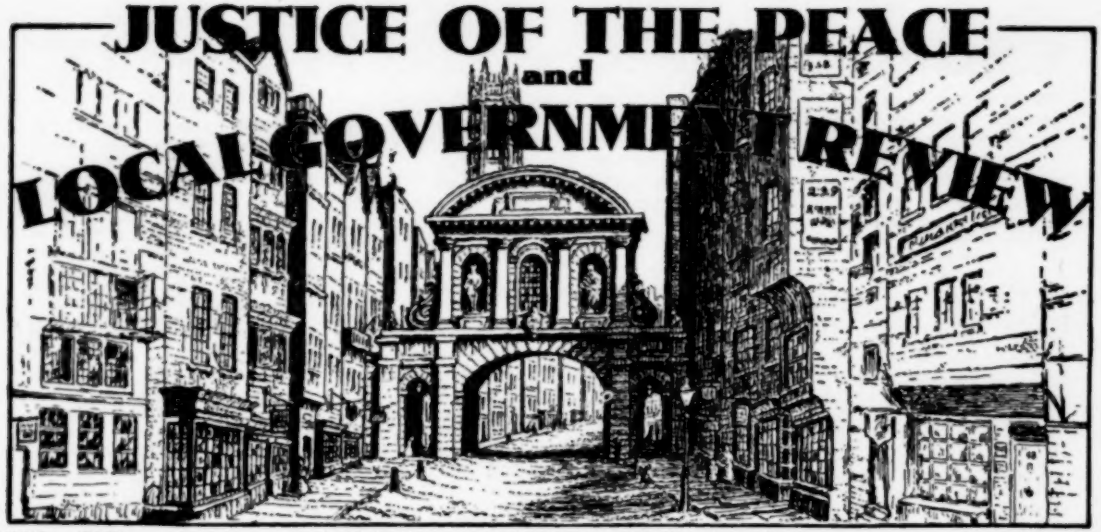

VOL. CXV. LONDON: SATURDAY, MAY 12, 1951. No. 19

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REPORTS

Official & Classified Advertisements, etc.

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UNADMITTED Deputy Magistrates' Clerk, 21 years' experience, seeks similar appointment in North of England. Salary Max. Grade VI. Box No. A.33, office of this paper.

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STAFFORDSHIRE COUNTY COUNCIL CHILDREN'S COMMITTEE

Appointment of Deputy Children's Officer

APPLICATIONS are invited for the appointment of Deputy Children's Officer (Female) for the Administrative County of Stafford at a salary in accordance with Grade A.P.T. VI/VII of the National Joint Council Scale, namely, £595 rising to £710.

Applicants must have had wide administrative experience in dealing with children deprived of normal home life, including children in Homes, Institutions and boarded-out. It will be an advantage if applicants are University Graduates with a Social Science Diploma.

The appointment will be terminable by three months' notice in writing on either side and will be subject to the provisions of the Local Government Superannuation Acts and the successful candidate will be required to pass a medical examination.

Further particulars and forms of application, may be obtained from the County Children's Officer, Children's Department, County Buildings, Eastgate Street, Stafford, and should be returned to reach me the undersigned not later than May 26, 1951.

Canvassing in any form will be a disqualification and candidates must state in their applications whether or not they are related to any member of the County Council.

T. H. EVANS,
Clerk of the County Council.

County Buildings,
Stafford.

WILTSHIRE

Full-Time Female Probation Officer

APPLICATIONS are invited for this appointment. Conditions and salary subject to the Probation Rules, 1949 and 1950. Car required. Assisted purchase and allowances paid. Applications in writing stating age, qualifications and experience with names of two referees to reach Clerk of the Peace, County Hall, Trowbridge, by May 21, 1951.

HORNCHURCH URBAN DISTRICT COUNCIL

Appointment of Local Land Charges Clerk

APPLICATIONS are invited for the appointment of Local Land Charges Clerk at a salary of £440 per annum, rising by annual increments of £15 to a maximum of £485 per annum.

Previous experience in the work entailed in the maintenance of a Local Land Charges Register and the issue of search certificates and of replies to additional enquiries will be deemed an advantage.

The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, to the National Scheme of Conditions of Service, to the successful applicant passing satisfactorily a medical examination and to termination by one month's notice in writing on either side.

Applications, on forms to be obtained from me, must be delivered to me not later than Wednesday, May 23, 1951.

P. L. COX,
Clerk of the Council.

Council Offices,
Billet Lane, Hornchurch.

Amended Advertisement

COUNTY OF NORTHAMPTON

Petty Sessional Division of Wellingborough

Appointment of Second Assistant Clerk

APPLICATIONS are invited from persons not over thirty years for the appointment of a Male Second Assistant to the Clerk to the Justices.

Applicants should have general Magisterial experience and be capable of issuing process, Collecting Officer's Duties, etc.

Salary—General Division, Local Government Scales, *i.e.*, up to £360 p.a. at age thirty.

Modern flat available at office premises.

Applications, stating age, present position and experience, together with two recent testimonials, should be sent to the undersigned, not later than June 1, 1951, marked "Assistant Clerk."

PETER T. M. WILSON,
Clerk to the Justices.

Magistrates' Clerk's Office,
101 Midland Road,
Wellingborough,
Northants.

WHITSTABLE URBAN DISTRICT COUNCIL

Appointment of Assistant Solicitor

APPLICATIONS are invited from admitted solicitors for the above appointment on Grade A.P.T. Va (revised) (£600 x £20—£660).

Previous local government experience will be an advantage.

The appointment offers unusual opportunities of experience, with prospects of promotion to a suitable applicant.

Applications endorsed "Assistant Solicitor," stating age, qualifications, present position and experience, together with the names of two persons to whom reference may be made, must reach the undersigned not later than Saturday, May 19, 1951.

The usual conditions apply.

F. TOMLINSON,
Clerk of the Council.

The Castle,
Whitstable.
May 4, 1951.

LLWCHWR URBAN DISTRICT COUNCIL

Appointment of Clerk of the Council

APPLICATIONS are invited from Solicitors with practical experience in Local Government and not over 45 years of age (unless already in the Local Government Service) for the position of Clerk of the Council. The conditions of appointment are those set out in the Memorandum of Recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks, but the commencing salary will be fixed according to age, experience and qualifications within the salary grade £1,000 rising by two annual increments of £50 and one of £25 to a maximum of £1,125 (inclusive for all duties). The Council are prepared, however, to reconsider the salary after a decision has been made by the National Arbitration Tribunal on cases now before that body.

The successful candidate will be required to devote his whole time to the service of the Council, not to engage directly or indirectly in private practice, and will be expected to reside in the urban area. All fees and emoluments received by him in respect of his duties, either imposed by the Government or accepted with the permission of the Council (except fees received in connexion with Parliamentary and Local Government Elections), must be paid to the credit of the Council's account.

The appointment will be subject to three months' notice on either side and the successful candidate will be required to pass a medical examination to the satisfaction of the Medical Officer of Health, and to contribute to the Superannuation Fund established under the Local Government Superannuation Acts.

All other matters being equal, knowledge of Welsh may be deemed an advantage.

Applications, stating age, qualifications and experience, together with the names of three persons to whom reference can be made, must be addressed to reach me not later than Tuesday, May 29, 1951, in envelopes endorsed "Clerk of the Council."

E. A. GRIFFITHS,
Clerk of the Council.

Council Offices,
West Street,
Gorseinon, Swansea.
May 8, 1951.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

Avoiding Disqualification

There were many cases decided before the coming into operation of the Criminal Justice Act, 1948, upon the application of the provisions of the now repealed Probation of Offenders Act, 1907, and the still earlier provision in s. 16 of the Summary Jurisdiction Act, 1879, under which a court of summary jurisdiction, could in suitable circumstances deal with an offender without proceeding to conviction. These cases showed that the High Court, upon appeal by Case Stated, would over-rule justices if they invoked these provisions improperly, and it was made quite clear that justices ought never to act under the Probation of Offenders Act as a means of evading the law.

Without doubt the principles behind these authorities apply to the provisions in the Criminal Justice Act, 1948, as to probation, conditional or absolute discharge. A court of summary jurisdiction must now convict the offender, but by s. 12 of the Act he is spared some of the consequences following a conviction. In particular, the offender is not liable to disqualification or disability attaching to a conviction.

The way in which the section should not be used was exemplified in a case which came before the Divisional Court on April 25, by way of an appeal by the prosecutor against a decision of justices who had made an order of conditional discharge.

The defendant had been convicted by the justices of being in charge of a motor car while under the influence of drink. They found that as the car was stationary there was no danger to other road users and they thought he was still suffering from illness contracted while he was serving in the Far East.

In delivering judgment, the Lord Chief Justice observed that the Court had stated over and over again that there could hardly ever be special circumstances justifying a bench from refraining to disqualify a person whom they had found guilty of the offence charged in the present case. It was wrong to say that this was a proper case to grant a conditional discharge for the one purpose of avoiding disqualification. The justices had no right to set up their opinion against what Parliament had ordained was the punishment on convictions of that kind. There was no ground for finding special circumstances in this case. The case would go back to the justices and they must impose disqualification for at least twelve months from the date of conviction.

This decision strengthens the opinion we have held that justices should arrive at their decision as to penalty or other treatment upon the merits of the case, and should not refrain from imposing a penalty because of some consequence such as disqualification which must inevitably follow. If Parliament has said that a disqualification or disability is to follow a conviction, justices are not entitled to invoke some other provision which is not properly applicable, for the sole purpose of evading what the legislature has prescribed, in the circumstances of the case before them.

A Clerk on the Magistrates' Courts

By the courtesy of the Law Society we have received a copy of a pamphlet containing two lectures delivered in the Society's Hall by Mr. James Whiteside, on the magistrates' courts.

Mr. Whiteside, who is a solicitor, and clerk to the Exeter justices, is also President of the Justices' Clerks' Society, editor of *Stone* and of *Hayward and Wright's Office of Magistrate*, and a former editor of *Oke's Magisterial Formulist*, and *Paterson's Licensing Acts*. Who could be better qualified to lecture to practitioners and students on such a subject?

As the lecturer said, a consideration of the subject was timely, because magistrates' courts are undergoing a noticeable transition. The days when the bench was occupied only by a sort of "squirearchy" are long past, and the position and attitude of the magistracy has undergone great changes. Even in his own time, Mr. Whiteside has observed the process. "You may take it from me," he said, "that the lay justice of today is not of the species with which I first became acquainted thirty years ago. And to make a further point in one sentence: The quality of justices' clerks has also greatly improved." No solicitor need regard advocacy in the magistrates' courts as something slightly beneath him. Further, the working of the legal Aid and Advice Act would make it desirable that every practitioner should seek personal and active experience before any tribunal where he has a right of audience.

Mr. Whiteside referred to the astonishing development of the jurisdiction of the magistrates' courts, and pointed out that the examination of their work by the recent Royal Commission had shown that the lay justices were well able to shoulder the burden of responsibility placed upon them.

The lecture, as might be expected, contained wise and practical advice to practitioners. Mr. Whiteside not only commended *Stone* to his audience, but also indicated how to make the best use of it, not ignoring its limitations and true purpose. "*Stone* is a sort of signal box, designed to put you on the right lines for wherever you want to go."

Procedure in Criminal Cases

In dealing with the work of a solicitor appearing in a criminal case, Mr. Whiteside emphasized the difference between procedure before examining justices and before a magistrates' court trying cases summarily. Before examining justices, he pointed out, the

question is *not* " Are we satisfied beyond reasonable doubt of his guilt," *but* " are we satisfied beyond reasonable doubt, that the prosecution has not shaken the presumption of his innocence ? " —Only in the latter case were they entitled to discharge the accused. That may be, to many people, a new way of putting the question ; it is certainly practical and helpful.

On the question of reserving the defence, on committal for trial, the lecturer gave wise advice to advocates, indicating some of the cases in which it is far better to call witnesses before the examining justices, one being, of course, where the defence is an alibi. Equally, he offered sound advice to prosecuting solicitors, especially on the use of the blue pencil to cut out surplusage from proofs which necessarily contain much that need not cumber the depositions. How grateful many a clerk would be if this proper economy of questions were more widely adopted, and how much clearer would be the narrative of many a witness in briefer form : " Believe me, the solicitor who seeks to find his way into the good books of justices and clerk is the one who in depositions particularly has learnt that examination is a qualitative and not a quantative art. Every solicitor who complains about the waste of time spent in writing depositions might ask himself if this cap fits."

The provisions of s. 28 of the Criminal Justice Act, 1948, are somewhat complicated, and many people have found some difficulty in understanding them at first. We have come across no clearer exposition than Mr. Whiteside gave his hearers ; in this, as indeed throughout his lectures he speaks with clarity and certainty, and without waste of words, just because he is completely master of his subject.

Although Mr. Whiteside acknowledged the efficiency of senior police officers who conduct prosecutions, he rightly deprecated the practice of police advocacy where professional skill is required, and referred to the Roche Committee and the Royal Commission on Justices in support of his view. He urged that this type of work should be undertaken by solicitors more generally.

The duty of solicitors in relation to the Poor Prisoners Defence Act, appeals to quarter sessions, and the drafting of special cases were also among the matters explained.

Procedure in Civil Cases

In his second lecture Mr. Whiteside dealt with civil cases before magistrates, and advocacy. What he said on advocacy is so full of wit, wisdom and common sense that it should be read, not only by the articled clerks and practitioners to whom he expressly addressed himself, but also by experienced advocates, who are aware that they may possess some imperfections. Mr. Whiteside is a shrewd observer and a kindly critic, possessed of a literary style that gives added pleasure to the reading.

As to the civil jurisdiction of the magistrates' courts, most people would consider that matrimonial cases take first place. The lecture contained plenty of good advice. Reconciliation is often a matter for solicitors to consider and to further, but, as the lecturer showed, guarded letters exchanged between solicitors may have little effect upon the bench, " one letter of the client himself written straight from the heart is weightier as evidence than a dozen letters written by the solicitor."

Case law, Mr. Whiteside considered, is over-reported in this field of matrimonial proceedings ; many cases now reported do little more than re-state established principles, and if the advocate gets the well established principles into his mind, most of the cases can take care of themselves.

These two lectures are notable contributions to the literature on the subject of magistrates' courts. They can be obtained in a single pamphlet, price 4s., through the Law Society, and we hope they will enjoy a wide circulation.

Access to Children Under Old Separation Orders

In connexion with P.P. 2 at p. 159, *ante*, a correspondent suggests another construction of the relevant sections of the Married Women (Maintenance) Act, 1949. Our answer was based upon the facts that s. 5 does not give justices an express power of varying an order made under the earlier Acts, as does s. 1 (2), and that s. 7, although authorizing the new Act to be cited with the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925, under a collective short title, does not say that the new and old Acts are to be construed together. As against this, our correspondent points out that s. 1 (1) can relate only to future orders, so that the expressly retrospective power in s. 1 (2) was necessary for bringing past orders into line, whereas s. 5 is general. The opening words of s. 5 (" Where provision is made ") are apt to relate to an order already existing, as well as to a newly made order, and, comparing the sections, our correspondent would himself feel justified in advising magistrates, as the magistrates mentioned in the query at p. 159, *ante*, were advised, that they had the power to vary an existing order by adding, in virtue of s. 5, a provision about access. There is this to be said in favour of the bolder view taken by both our correspondents, that if an order is made it can be challenged in the High Court, and so an authoritative decision can be obtained more readily than if magistrates, because of uncertainty about their power, refuse to make an order.

Prosecuting Solicitors

The report of the county justices committee of Devon Quarter Sessions, of which Sir Leonard Costello is chairman, deals with the question of appointing a prosecuting solicitor, which has been carefully considered. The clerk of the peace furnished some useful information about the practice in Essex. It was suggested that in Devon one solicitor would probably give the police all the help they needed, though possibly a second might have to be engaged after a year or two.

The attitude of the police upon such a matter is not without importance, and the report states, " The Chief Constable stated that he would welcome the appointment of a prosecuting solicitor because of his value out of court in connexion with consultations before proceedings were initiated. Matters of this kind are now frequently referred to the Director of Public Prosecutions, and it would be much more convenient to have a solicitor at hand. It would be necessary for the prosecuting solicitor to have very good experience of magistrates' courts work. With regard to the cost, the Chief Constable mentioned that the work of the police in matters other than court work is increasing very considerably so that eventually it will be necessary for him to ask for more principal officers. The appointment of a prosecuting solicitor would save a considerable amount of police time because every superintendent and inspector in the force at present is tied for three or four days per month on court work. If a prosecuting solicitor were appointed, new appointments of senior officers in the police force might be avoided, and the Chief Constable strongly supported the proposal."

It was accordingly recommended that steps be taken, in the interests of the administration of justice in the county, so that such an appointment might be made.

Although many senior police officers are perfectly capable of conducting prosecutions in magistrates' courts, there is a good deal of feeling against what is commonly called police advocacy, for reasons which are familiar to our readers. The appointment

of more prosecuting solicitors is certainly desirable and, apparently, the cost would not in the long run be so heavy as might at first sight appear.

Probation in Berkshire

In the report of the principal probation officer for the Berkshire Combined Probation Area acknowledgment is made of the value of refresher courses for serving probation officers. It is felt that such courses keep an officer abreast of the latest trends in the various spheres of probation work, and enable him to meet and discuss mutual problems with other officers from all parts of England and Wales. Probation officers for their part sometimes have opportunities of imparting the benefit of their knowledge and experience to visitors from abroad and in this report Mr. Lapworth tells of a visit paid by an Italian social worker who, under the auspices of the Home Office and the British Council, came to England to study our methods of training and field work. She spent three weeks in Berkshire.

The number of persons under supervision at the end of the period covered by the report was the highest yet recorded. Figures show that the number of adults in relation to juveniles has been slowly increasing from year to year. This is the first year that the probation officers have supervised more adults than juveniles.

As is usual, the percentage of probationers who complete the period of probation satisfactorily is high, ninety-two *per cent.* in this case. The more valuable test is what happens after probation has ended. This report states that the county police have checked over a total of 156 persons who satisfactorily completed a period of probation during the year 1945. The results show that during the ensuing five years seventeen persons or eleven *per cent.* re-appeared before the courts charged with an indictable offence. During the last ten years out of a total of 950 persons, seventy-four or eight *per cent.* re-appeared before the courts within five years of successfully completing a period of probation.

For the first time since 1947 there was a reduction in the number of matrimonial cases dealt with by the probation officers. As to the way in which these cases reach the probation officers the report states that: "Forty *per cent.* of the total of cases dealt with were as a result of direct approach to the probation officer. This percentage compares with thirty-four *per cent.* in 1949 and twenty-seven *per cent.* in 1948, and the majority come to the probation officer at a stage when some constructive efforts towards reconciliation can be made. The probation officer always explains to the applicant his or her right under the Acts relating to husband and wife, but in practice it is found that most of these people come to us on the recommendation of persons who have already received help."

Southend and Rochford Magistrates' Courts

It must be a matter of great interest to magistrates to read annual reports of the work of their divisions, and clerks to justices who prepare such reports in concise form, with enough but not too many statistics, are sure to find their labour well worth while.

We have before us such a report on the work of the County Borough of Southend-on-Sea and Petty Sessional Division of Rochford for the year 1950.

Mr. Homfray Cooper records a substantial increase in the work as compared with the previous year. The figures are put into their true perspective, however, as the increase in the number of cases consists mainly of summonses for the recovery of rates and for minor road traffic offences rather than of any abnormal increase in indictable crime. The coming into operation of the Married Women (Maintenance) Act, 1949, with its new powers, provided the expected increase in matrimonial cases.

As to the juvenile court, the increase in the number of cases at Southend was six only, while in the Rochford Division the 1949 total was more than doubled. It is pointed out that as the 1949 figure for Rochford was abnormally low, not too much should be made of the increase.

The justices have made good use of their library and have evidently appreciated periodical notes on legislation and other matters of interest.

Apparently special courts have been held regularly for the hearing of matrimonial cases, thus giving effect to the spirit of the Summary Procedure (Domestic Proceedings) Act, 1937. Special courts have also been held for the hearing of adoption applications, a practice which is without doubt welcomed by applicants who would much rather not have to attend a busy juvenile court dealing with young offenders.

The particulars of attendances by justices show that Southend makes considerable demands on their time, one having sat in court no fewer than 163 times during the year.

Cycle Parking

Section 68 of the Public Health Act, 1925, empowers local authorities to provide parking places on their own land, and to fix parking places in a street. The latter power is, in London, exercisable by the Minister of Transport under the London Traffic Act, 1924. By 1924, the phenomenal growth of traffic which had followed the invention of the motor car, coupled with the fact that motor cars do not (normally) run away or catch cold when left standing, had produced a new habit among persons in charge of vehicles—that of leaving their vehicles in the highway, a practice for which the French military term "parking" came to be accepted as the standard name. By 1924 the habit had become so general that proceedings for obstruction would have been too difficult, so Parliament recognized the practice and attempted to regularize it in these two Acts. At that date, it was already motor cars of which everyone was thinking, though it was pointed out in the preface to the model byelaws issued from the Ministry of Health (now issued from the Home Office) that the power is not limited to motors. We have lately seen a query, whether the power is available for bicycles, and to this we think there can be none but an affirmative answer: *cp.* our Note of the Week entitled "Cycling on Metropolitan Footpaths" at 114 J.P.N. 324. To provide parking places for cycles would, indeed, be a useful public service in many towns.

Here, however, there comes in a curious side issue. Unlike the four-wheeled vehicle and the tricycle, the bicycle cannot stand upright—at least, the ordinary pedal bicycle cannot: motor bicycles, like some animals, often grow legs as required, and so do some bicycles used by tradesmen's errand boys. A parking place for bicycles is therefore not much use unless it is equipped with racks or stands, and this means that it must be provided under paragraph (a) or (b) of s. 68 (1), not under paragraph (c). The whole scheme of s. 68, so far as it relates to streets, is that it legitimates what would otherwise be an obstruction by a vehicle; it is not intended, and cannot in our opinion be construed, as authorizing the erection in a street of a permanent obstruction (or even the placing in the street of movable racks) for added convenience in parking: *cp.* P.P. 3 at 114 J.P.N. 94. For practical purposes, therefore, parking places for pedal cycles must be on land not forming part of a highway.

CONSIDERATION OF ACCIDENT PRONENESS IN THE MOTORIST

By A SENIOR POLICE OFFICER

It is elementary that a machine weighing up to a ton or more which can be propelled on a road at a speed of sixty m.p.h. confers, as the accident statistics all too tragically show, an appalling lethal potentiality on the driver, his passengers, other motorists and road users and above all children. It is pertinent to point out that, although motorists are not to blame for some accidents, accidents occur because motor vehicles are on the road. Let us, therefore, examine the problem from the angle of the man behind the wheel. One encouraging factor is, that despite the manifold dangers which the use of the motor vehicle on a road creates some drivers manage to drive ten, twenty or more years without an accident of any kind or an accident involving personal injury. Included among these accident free drivers are bus drivers, heavy lorry drivers and private motorists who average yearly a very substantial mileage much of which is spent in the areas which have a bad accident record. There is food for thought here. Some drivers obviously possess or have acquired qualities of temperament allied to driving skill which enables them to meet accident situations with sufficient margin to take successful " avoiding action," whether the situation is created by their own neglect, the neglect of the drivers of other vehicles, other road users or a combination of both. It is reasonable to assume that if there is no deterioration in the same standard of driving, there is every likelihood that this good record will continue. Insurance companies could, it is suggested, give illuminating statistics on this point. Moreover, one cannot but be struck by the fact that at times a situation has been created which adds considerably to the ranks of safe drivers with corresponding reduction in road accidents. When the thirty m.p.h. speed limit was introduced in 1935 for private vehicles there was a remarkable decrease in road accidents involving personal injury. In analyzing the figures for that year in the Metropolitan Police Area the Commissioner of Police for the Metropolis showed that there was little or no reduction in accidents involving public service vehicles and the like (already subject to a speed limit) but there was a reduction—not to be repeated—of nearly fifty *per cent.* in accidents in which private vehicles were involved. A second example, the intensive police motor patrol system in Lancashire before the war involved the use of an extra 331 men and approximately 150 vehicles and motor cycles This scheme by enforcing road sense and manners reduced accidents by forty-six *per cent.* Within six months the lives of 344 children were saved by reducing the number of children killed by forty-five *per cent.*

No doubt both in 1935 and in the Lancashire experiment the novel conditions affected the behaviour of all road users but it is reasonable to assume that the extraordinary decrease in road accidents arose from a substantial if temporary addition to the ranks of safe drivers. If this assumption is doubted let a further example of private enterprise be noted. Prior to the war, a very large firm of hauliers was increasingly concerned at the losses due to road accidents. A drastic order was introduced after vain appeals for better driving, that all drivers involved in more than three accidents would be automatically dismissed. The result was an immediate reduction in road accidents and not only that, but most important, the good record continued.

No sane person wishes to be involved in an accident which involves death, permanent maiming, or injury to himself or others, nor damage to a machine which is so expensive to replace or repair. Nevertheless the road accident rate gives little cause for complacency. A study of accidents in the home and in factories (the toll of dead and injured in factories is nearly as heavy as on the roads) makes one appreciate how complex are the factors causing accidents. It is very illuminating as an aside, to read the admirable reports of H.M. Inspector of Factories and to appreciate the enormous cost which is put on the factory owner to protect the workman from himself. In some respects one must admit that the motorist has by comparison escaped very lightly. Yet something must be done to reduce the toll of the road and from the examples already given it is suggested that in present conditions the man behind the wheel can unquestionably make the greatest contribution. Intensified police action, including the much maligned Oxfordshire plain clothes experiment, will undoubtedly help and there is no doubt that heavier penalties by justices' courts would act as a deterrent to the dangerous and callous but something more is required to bring home to the driver the danger of his machine and the need for care at all times.

In the opinion of the writer much more attention in the light of experience needs to be given to the training of the novice driver. It is no disrespect to the officials who are responsible for examining learner drivers to say that all too many potential drivers suffer from the initial disadvantage of being haphazardly trained by motorists, often with years of experience behind them who in the finer points of driving and road manners are as ignorant as their pupils. It is suggested that it would be a big step forward to confine driving tuition to individuals who not only enjoy a driving licence but have shown themselves competent in a comprehensive written and practical examination to train people in the use of a dangerous lethal machine. Moreover, once having passed the initial test would there be any great hardship in the novice having to carry " B " plates (" B " for beginner) for six months or twelve months with another test at the end of the period on a much more searching basis. It is a sombre thought that a proportion of drivers who have recently acquired a full driving licence will inevitably be involved in a fatal accident or finish up on a dangerous or careless charge in a justices' court. If the training in the use of a motor vehicle, road manners, and the potential dangers of the vehicle could be tightened up, where does the responsibility lie when death occurs or a summons is served ?

Training the novice is one thing, dealing with the driver at present in possession of a driving licence is another. Let us face up to the fact there are a proportion of drivers on the road who are permanently or temporarily a menace to themselves or others. Many, alas, are quite unaware of their defects. We have all sat beside the driver whose handling of the vehicle and general behaviour fills us with foreboding ; we have all seen the almost incredible selfishness of other drivers resulting in the possiblity of death or injury. If we are sensible our conscience has pricked us about our own driving whether we are accident free or not. What is needed is a challenge to the good driver to drive even better and a deterrent permanent factor to the minority of selfish thrusting or dangerous drivers. The police and the courts have their part to play but much more is required. Let us return to the road haulage firm who had such good results from insisting on a record of accidents and left their drivers under no illusion what the inevitable result would

be of a succession of accidents. One may complain of the faults of such a system but there can be no doubt that fear of consequences had a marked effect on all the drivers. Perhaps, therefore, there is much to be said for making all accidents involving personal injury and damage (to be redefined) reportable to police with the knowledge that all such accidents would be centrally recorded under the name of the individual driver (it might be mentioned here that although there is at New Scotland Yard and other places a more or less full record of all cases of crime however minor, it has not been thought fit to establish a central record of all convictions for " drunk in charge " or dangerous driving of a vehicle). This system too would have a much more salutary effect if a third accident say or any accident involving appearance before a justices' court automatically involved a stiff road test with the possibility of failure and consequent temporary suspension of licence. Who can doubt that something on these lines would have a permanent effect on the individual driver and a healthy avoidance of situations which might lead to an accident? The writer is well aware that the criticism of such a system may well be made that a driver could easily have three accidents in which he was not at fault. The possibility of such a contingency would be remote. If some drivers can drive twenty or thirty years without an accident it is a reasonable assumption that there is contributory negligence by drivers in all but a few road accidents involving motor vehicles.

Judging from the storm of opposition which the plain clothes patrol system in Oxfordshire has evoked, there is no doubt that there is a disturbing lack of agreement on the approach to the question of a reduction in the road traffic toll. Restrictions on the motorist are criticized with a lack of real insight and imagination which does little credit to the individual motorist and the motoring organizations. The writer has nearly twenty years' experience as a driver which, providentially, has been free from an accident involving personal injury. As a police officer he has considerable experience of accidents and their results in death, injury and prosecution before justices' courts. It is hoped, therefore, that the suggestions put forward are not considered in any way as prejudiced against the motorist, but with the object of approaching the fundamental problem of accident proneness and means of reducing it.

ANIMATE ARTICLES

Apparently a perennial question is that of the scope of s. 154 of the Public Health Act, 1936, of which the marginal note is " restrictions on sales, etc., by persons collecting, or dealing in, rags, old clothes, and similar articles." Such persons and their assistants are forbidden to do two things, which are quite distinct: first, to sell or deliver, whether gratuitously or not, any article of food or drink to any person; secondly, to sell or deliver, whether gratuitously or not, any article whatsoever to a person under the age of fourteen years. Both prohibitions apply to sale and delivery in and from any shop or premises used for or in connexion with the business of the dealer, and also to sale and delivery while the dealer or his assistant is collecting rags, old clothes, or similar articles. This section evolved into its present form by stages increasingly drastic: these stages are summarized in *Lumley's* note upon it. Beginning a good many years ago in local Acts, it was brought into the general law by s. 73 of the Public Health Act, 1925. At that stage the section forbade the distribution of articles of food and toys " from any cart, barrow, or other vehicle used for the collection of rags, bones, and similar articles," and rag dealers soon evolved devices for evading the prohibition, as by having sweets in their pocket, or toys in a sack upon their back, and not distributing " from " the barrow. Transparent as were such devices, they were often successful, partly because the section was unpopular with many lawyers and some magistrates, who stigmatized it as " grandmotherly." They might have been less ready to acquit, had not the early emphasis been so much laid upon the risk to health, of letting children suck sweets and play with toys taken from the ragman's barrow or his pockets. In course of time, it was recognized that there was not only this risk but also a temptation to young children, to barter their parents' property or that of other people with the rag collector: while this note was being printed we saw a newspaper report of a ragman's having secured fairly valuable property, such as household linen, by this means. Hence the second prohibition in the section, which is aimed at protecting property, and also the characters of younger children, as well as at protecting them from risks to health.

It is upon this second prohibition that ingenuity is now principally lavished, the chief doubts being centred on the meaning of the word " article." Of this word it has been said—" A more comprehensive word could not by any possibility have been used ": *M'Intyre* v. *M'Intee* [1915] S.C. (J.) 27. But the physical objects which the Lord Justice-General of Scotland had to consider in that case were inanimate, and a number of queries have been put to us, or argued before magistrates, about living creatures: *see*, for example, 103 J.P.N. 463; 112 J.P.N. 47; 113 J.P.N. 504. Our view upon various living creatures mentioned to us accords with that taken in *Llandaff and Canton Market Co.* v. *Lyndon* (1860) 25 J.P. 295, where three judges in the Court of Queen's Bench held unanimously that a horse could be an article, if the context showed that Parliament so intended. In the context before us, the history of s. 154 is largely a history of ingenious and sometimes successful attempts to defeat its purpose; this history and the reason of the matter show that, when it came to persons under fourteen years, Parliament used the phrase " deliver any article whatsoever " with the purpose of entirely stopping barter between such persons and dealers in rags, old clothes, and similar articles. (Sale by young persons to dealers for cash has not been stopped: at any rate, we do not ourselves think that coins are " articles " within the meaning of the section.) It was, in opposition to our view of the meaning of the word, pointed out to us recently by a learned correspondent that in reg. 53 of the Defence (General) Regulations, 1939, there is a definition which expressly includes animals. Why, asks our correspondent, should the draftsman have said this if the word " article " was wide enough already?

The answer is, in our opinion, that context is always the governing factor. We do not think the insertion of the word " animals " *ex cautela* in the definition embodied in a regulation which otherwise includes substances, vehicles, and vessels, indicates that the word " article " would not cover an animal in a different context. The Defence Regulation was depriving people of property (always a ticklish matter for the legislator, because the courts dislike it, and may seek to limit the enactment). Few people would say that a " substance " (*e.g.*, motor spirit in the tanks of a requisitioned garage) was an " article," and many would hesitate to say that a ship was an " article." It would, to say the least, be a bit unusual to speak of a big lorry as an " article." The draftsman of the regulation therefore had to define the word " article " so as to include at least

substances, vessels, and vehicles, unless he repeated all the nouns each time. But on the maxim *expressio unius est exclusio alterius* he might have been held to have excluded animals if he spoke of substances, vessels, and vehicles. A competent authority working under the regulation would not want the livestock to be driven away from a requisitioned farm, so the draftsman put them into his definition, rather than rely upon the decision in *Llandaff and Canton Market Co.* v. *Lyndon, supra.* Fortunately farm animals need not be considered under s. 154 of the Public Health Act, 1936; the sort of little creature that the ragman can carry about with him (day old chicks; baby ducklings; goldfish—perhaps even a kitten or puppy) is so evidently within the mischief of the section that we should advise magistrates to convict without hesitation.

We do not know that we can improve upon the way in which the matter was expressed, in a written and considered decision, by the Whitchurch (Glam.) justices, in a recent case, where a rag collector had given to a child under fourteen a live goldfish in a jar. The chairman, Mr. D. Rupert Philips, stated that in the opinion of the magistrates a live goldfish was not an article in the general sense, because it is an animate body, something created and not manufactured. They, however, came to the conclusion, having considered the case of *Llandaff and Canton Market Co.* v. *Lyndon, supra*, that a live goldfish is an article within the meaning of s. 154 of the Public Health Act, 1936. The defendants were each fined £2, one for delivering a goldfish to a child under the age of fourteen years, and the other for assisting in so doing. At the hearing the clerk, to whom we are indebted for letting us know of the decision, had very properly advised the defendants to plead "Not Guilty," since the question might arise whether a live goldfish was an article within the meaning of the section.

PROBATION EXPENSES

Among the administrative arrangements for relieving pressure upon local government man-power, one which will be of interest to our readers in the magisterial as well as in the local government field is that brought into effect on March 31 by the Probation Rules, 1951, S.I. 1951 No. 536 (L.2.). These Rules were discussed in advance with representatives of the Association of Municipal Corporations and the County Councils Association, and, although the points put forward by the Associations were not all accepted by the Government, we believe there was substantial agreement. The Rules were brought into force rather hastily, in order, as appears from the Home Secretary's circular of April 4, that expenditure incurred in the financial year 1950-51 could more easily be brought within the arrangements for repayment. Since the treasurer of a probation committee is necessarily a borough or county treasurer, he will in his two sets of books be able to make the necessary formal entries of income and expenditure for 1950-1951, even though the cash accounts will not show a cash transfer until 1951-1952.

The Probation Rules, 1949, as amended by the Probation Rules, 1950, had already dealt with the salaries of probation officers and their clerks, the cost of providing, equiping, and maintaining probation offices, certain office expenses of the secretaries of probation and case committees, and in general with what may be termed the executive side of the probation service. The expenses with which the new Rules deal are those attributable to justices' clerks and members of their staffs doing the secretarial work of probation and case committees; members of local authorities' staffs who act as (or assist) the secretary or treasurer of a probation committee or who are otherwise engaged from time to time on work for a probation committee; and the premises of justices' clerks and local authorities which are used for administrative purposes in the service of a probation committee or of a case committee.

The Government have accepted the recommendation of the local government man-power committee, that for grant purposes apportionments should be made of administrative, technical, and clerical salaries, and of office expenses, excluding the salaries of chief officers and their deputies other than those appointed for the service concerned. The Rules do not allow charges to probation funds attributable to the salary of the secretary or treasurer of a probation committee, or of a deputy clerk of the peace or the deputy of a chief officer of a local authority. Charges attributable to the salaries of secretaries of case committees are also excluded where these are justices' clerks. It is however pointed out in the circular that when s. 27 of the Justices of the Peace Act, 1949, is brought into force, the salaries and other expenses of justices' clerks will be included in the expenditure of the responsible authorities which is to be reimbursed by the Secretary of State in the manner provided for in subss. (2) to (4) of that section. With the exceptions just mentioned, the Rules permit probation committees to meet from probation funds appropriate charges for office expenses, *e.g.*, furniture and other equipment, stationery, postal and telephone charges, audit fees, and stamp duty, attributable to the work of the probation committee or case committee, an apportionment being made where appropriate. They also include travelling and subsistence expenses incurred in connexion with the work of a probation committee by a clerk of the peace or a justices' clerk, or by a member of the staff of a justices' clerk or local authority. The salary and expenses of a member of a local authority's or justices' clerk's staff who is engaged wholly on matters relating to the work of a probation committee or case committee may be charged in full. The administrative work done on behalf of these committees is usually, however, a part-time responsibility of members of the local authority's or justices' clerk's staff who are also engaged in other duties; in such cases the share of the cost charged to probation funds should be fairly related to the time spent in work for the probation committee or case committee. Charges so made can include the cost (or, more usually, share of the cost) of the employer's national insurance contributions, and charges under the Local Government Superannuation Act, 1937, or equivalent local Acts and increases of pension under the Pensions Increase Acts, 1944 to 1947, including supplementary allowances and gratuities paid under the authority of Superannuation Acts. The basis on which these costs are shared between probation and other funds should be the same as that on which salaries are apportioned.

As regards the use of local authority and justices' clerk's premises for administrative purposes, the Rules permit to be charged a fair proportion of the total actual outgoings of the local authority on the provision, maintenance (including heating, lighting, and cleaning), and upkeep of administrative buildings. The Rules do not prescribe the basis on which the above-mentioned administrative expenses should be apportioned between probation and other funds. It will be for the local authority to satisfy the probation committee that the amounts charged are equitable, but the circular suggests that elaborate calculations will not be necessary for the purpose. The apportionment should

be fairly related to the use made of justices' clerk's and local authorities' staff and premises in pursuance of the administrative work of the probation committee or case committee, and the basis of the charge made should not be more favourable to the local authority than that used in any similar apportionment for services not in receipt of grant aid. Despite the fact that in the counties and in some boroughs the accounts will be subject to district audit, and that the district auditor will also examine the accounts of the probation committee, the whole basis of the scheme is a trustworthy exercise of duty by the treasurer of the local authority, holding the balance fairly between national and local funds.

THE EXCHEQUER EQUALIZATION GRANT

The Exchequer Equalization Grant was created by the Local Government Act, 1948. It was first paid to counties and county boroughs in the year 1948/49, and investigations into the working of the grant are to be made in the year in which the first new valuation lists come into force, that is, the year beginning on April 1, 1953. Subsequent investigations are to be made at quinquennial intervals.

We presume that the local authority associations, who are to be consulted by the Minister of Local Government and Planning when he holds his inquiry, will begin their own investigations well before that date, and very likely the treasurers of many individual authorities will make an even earlier start in order to provide the representatives of their authorities on the national associations with complete briefs on a matter so important to the financial health of the bodies they serve. The points discussed in the following paragraphs may therefore be of interest to those whose duty or inclination leads them to study the subject.

In moving the second reading of the Local Government Bill in 1947, the then Minister of Health, Mr. Aneurin Bevan, mentioned two matters of which we might remind ourselves. Dealing with the objects of the Bill he said : " We are not concerned primarily with the local authority ; we are concerned primarily with the ratepayer . . . What we should find out, therefore, is whether two citizens of equal substance in different parts of the country have to make an equal contribution for the same local services. That is the formula. That is the basis." On the question of rateable values per head of the population of each county and county borough (on which the grant is based) he stated " It is obvious to everybody that if we are to redistribute central assistance to local authorities by means of rateable value per head of population, there are certain weaknesses which immediately emerge, because if the assessment of rateable value is not carried on by a uniform method, then there is a non-uniform result. This exists now . . . We either have to postpone the redistribution of central assistance or we have to accept a certain amount of temporary untidiness as an inevitable consequence of setting about the job at the present time." A literal reading of the first quotation would have led us to believe that the Minister proposed to propound a formula which would require investigation of the means of every ratepayer (so as to see who were the " citizens of equal substance ") and of the standard of services provided by each local authority (so as to see how far citizens were receiving " the same local services "). In fact, however, it transpired that Mr. Bevan intended no such searching inquiry, and thought his object would be sufficiently attained by a formula designed in effect to level rateable values per head of weighted population. The Exchequer Equalization Grant was framed accordingly so as to secure to each county and county borough resources equivalent to the average rateable value per head of weighted population of all the major authorities. Those above the average received nothing. So far as individual ratepayers were concerned there would be a " temporary untidiness " which would be removed later by the new system of valuation on a national basis, designed to ensure that a house of a certain size and amenities in any part of the country would have the same rateable value.

The main object of the Equalization Grant was to equalize resources, and although ostensible concessions were made to varying local expenditures by weighting the population element of the formula by the number of children under fifteen and by sparse population in relation to road mileage these factors did not, except in a relatively small number of authorities, materially affect the main purpose and bias of the grant as an equalizer of resources. There is thus a clear distinction between specific grants and the equalization grant. Specific grants for services such as health, police, children, etc., are usually calculated as a certain percentage of expenditure, the same percentage being paid to all authorities. The equalization grant, on the other hand, is not paid to all authorities, and where it is paid the calculation is an individual one for each authority, varying percentages of net expenditure being given according to assumed need. The only specific grant (other that the individually assessed grants under the Town and Country Planning Act, 1947), which makes any allowance for the wealth or poverty of individual authorities is the education grant, which is paid at the rate of sixty *per cent.* of expenditure as reduced by income of the service, plus £6 per pupil on the registers, less the product of a rate of 30*d.* In view of the overall provision made by the equalization grant it might well be argued that the 30*d.* rate part of the education grant should be eliminated. This grant happens to be the one which is much the largest.

The Act of 1948 has now been fully in operation for two years and rates have already been made for the third year 1951/52. Startling changes have occurred in rates levied in some areas and complaints about the working of the Act have arisen in certain quarters, those authorities whose voices have been heard particularly loud and clear being naturally the ones having a rateable value per head above the average and thus ineligible to receive grant. It seems that they are interested in s. 3 (4) of the Act which enacts that the Minister can provide additional money, in the event of a general rise in rateable value per head : any interim revaluation which had the effect of increasing rateable values might therefore benefit these authorities by raising the average. Inequities in valuation as between one area and another undoubtedly exist, and we recall the investigations of Professor and Mrs. J. R. Hicks, the results of which were published in 1944 and showed, curiously enough, that the biggest measure of under-valuation occurred in the Home Counties, particularly those parts on the periphery of the London County Council area. This " temporary untidiness " may affect very considerably the equalization grant which an authority receives : if properties in an area are in general undervalued then that authority gets more than its fair share of the equalization grant. The only up-to-date information on the subject, however, is that held by the Inland Revenue and it is unlikely to be divulged for some time yet : furthermore, in case any authority is thinking of pressing for an interim review of the grant before the revaluation takes effect, it should be noted that an amend-

ment of the Act of 1948 would be necessary in view of the terms of s. 14 referred to earlier.

The review follows the revaluation and the investigators will be confronted by certain major questions, a few of which are discussed here. First, it seems they should consider whether the basis of the grant is sound. Is it right that a local authority poorer in rateable value than the average should have the deficiency made good? We think the principle well founded: it is in line with the principle of the block grant established under the Local Government Act, 1929, but carries it a stage further. Mr. Bevan, introducing the Second Reading of the Bill, said: "A local authority may use some of its increased grant to expand its own local services, and no doubt in many cases they will do so, because one of the purposes of the increased grant is to enable them to do so. Many local authorities have not been able to give such services because of their poverty."

Secondly, it may be questioned whether the grant should be limited to certain standards of expenditure judged sufficient to provide effective services, any expenditure beyond such limits not qualifying for equalization grant. In our opinion such a step could only lead to confusion. Practically all local expenditure attracts specific grants of one kind or another and the control over the services by the grant aiding departments is meticulous. There is little justification for introducing another sieve: it could only produce duplication, much additional work, and possibly three-cornered squabbles between a local authority and two central departments.

Thirdly we may look at the other side of the medal and consider whether certain expenditure is, because of special circumstances, unduly onerous in particular areas. An instance that comes to mind is the cost of maintaining highways in a number of counties. The present grant makes an allowance for this kind of burden by weighting the population in any county where the population is less than seventy per mile of road by one third of the additional population necessary to reach this figure. In the light of experience it may seriously be questioned whether this weighting is adequate and investigation might disclose the need for revision.

Lastly there are two matters of importance to county districts. The grants at present receivable are paid by county councils and represent capitation sums of 15*s.* 6*d.* for non county boroughs and urban districts, and 7*s.* 9*d.* for rural districts, these figures being calculated by reference to the aggregate equalization grants payable to county councils outside London. The money is found out of county rates, and therefore the districts with rateable values per head above the average pay something to help those below. We wonder whether this measure of equalization goes far enough and if it would not be more equitable to equalize the rate resources within each county as is done for the major authorities all over the country. An attempt was made to secure something of this sort when the Local Government Act, 1929, was under review but not altogether unexpectedly the county districts failed to agree amongst themselves and nothing came of it. The other matter is one of particular importance to rural districts and concerns the quantum of their grant. Is it just that the rural grant should only amount to half of what the urban authorities receive? It is true that rural districts have no highway responsibilities, but in many other respects there is little difference from the urbans. Research here might well prove fruitful.

LOCAL GOVERNMENT IN OTHER LANDS

[CONTRIBUTED]

Up-to-date and reliable information concerning the structure and functions of Local Government in other countries is difficult to trace in a convenient form at the present time. This made all the more welcome the week-end course recently held at Ashridge College, Hertfordshire. There was a team of lecturers with personal knowledge of five representative countries, the U.S.A., Canada, France, Denmark and the Carribean. No more suitable centre for the dispassionate study of such topics can be envisaged than Ashridge. These buildings have seen many changes, which are reflected in the drawing-room where Queen Victoria and Queen Mary have been distinguished visitors. It was used during the late war as a maternity ward and now is the principal lecture hall of the many thousands of students who pass through Ashridge each year, for the past two decades have seen the revival of the theme set by one of the early monks there who produced a treatise called "The Extirpation of Ignorancy."

SOME POINTS OF COMPARISON

It has been wisely said that he who generalizes, generally lies, and no attempt can here be made to summarize the wealth of detail most lucidly and attractively presented during the course. Some points of general comparison may, however, safely be made while remembering that the laws and practices are by no means so uniformly applied abroad, as they are in the more compact experience of the United Kingdom.

The Local Government franchise admits of concise treatment and is not inappropriate at the present season of local elections. In general there is universal adult suffrage for men and women at the age of twenty-one in the five countries under consideration. In some of the United States, however, the complications of the poll tax lead to a lack of uniformity. In Canada the rules vary, but as a typical example the City of Vancouver, with a population of 350,000, still confines the qualification for local government electors to owners and occupiers of property of a certain value, while certain financial resolutions are voted on by property owners only. In a number of countries, notably, Denmark, the franchise is conferred on all persons of twenty-two years or over.

Another interesting point was that while in most countries the dangers were recognized of over concentration in urban areas and the sporadic spread of urban population into the surrounding rural areas which may be of important agricultural value, no general legislative steps appear to have been taken to meet the problem. Great Britain alone of the countries considered at the conference has provided by legislation for the deliberate policy of the creation of new towns, which is now being worked out in the fourteen areas at present designated.

MUNICIPAL ADMINISTRATION IN THE UNITED STATES

The lecture on Municipal Administration in the United States was given by Mr. Ralph Miliband, B.Sc., of the London School of Economics, who had spent a considerable time in studying Public Administration in the Americas. He quoted Shaw's celebrated remark that one of the greatest factors dividing Britain and the United States was the common language, and illustrated this by the use of the expression "county council" which across the Atlantic refers to authorities very different from those known here: in the United States the average population of a county is only 20,000 and in some the number of

electors is as low as forty-two. The functions performed in the county council areas include the administration of justice as well as the full range of public health services and education. The management and supervision of county affairs is vested in a county board elected for two-four years. Many of the officials are directly elected instead of being appointed by the county board and this besides causing frequent changes of personnel makes difficult the task of co-ordination by the county board.

Turning to city government, Mr. Miliband gave figures to show that rural interests were greatly over represented in the state legislatures, which was one of the causes leading cities to seek "Home Rule Charters." The existing pattern of city government was considered under three headings. The Mayor/Council type of organization most resembled the English system. The term of office is from three to four years but the size of councils tends to be smaller than in this country: for example New York has a council of twenty-six members and Chicago fifty members. The characteristic feature of certain cities is the strong Mayor and correspondingly weak council when the Mayor is responsible for most executive directions, and the council can often only override his decisions by a two-thirds or three-quarters majority. The second system illustrated was that of Commission Government, where power is concentrated in three to five Commissioners chosen by popular vote. Experience in this system has been limited and not wholly successful. The third system is that of the City Manager which has been adopted in some 400 cities in the United States. Appointed by a small elected council, he is a professional administrator and the chief executive of the city. Major questions of policy are reserved to the Council but the main functions of local administration are carried out under his supervision and control.

The lecturer also dealt with the prevalence of corruption in municipal affairs which has been shown by the recent disclosures of the Senate Investigation Committee. Describing the problem as endemic in American life he suggested that a greater interest in local affairs might tend to loose Local Government from control of the "machine," so that economic interests would no longer find it profitable to subvert officialdom. The general conclusion may be drawn that Local Government in the United States has not made any exceptional contributions to the science of government, although certain cities have achieved outstanding success.

LOCAL GOVERNMENT IN CANADA

Crossing the forty-ninth Parallel the school heard Mr. R. T. McKenzie, B.A., on Local Government in Canada. After reminding us that Canada, with its population of only 14,000,000 distributed over ten provinces formed a Dominion which was a triumph over geography; he recalled that through the amazingly rapid advances recently made Canada had now "come of age" industrially and was the leading country in terms of trade *per capita*. With the Federal and Provincial Legislatures and some 3,900 county and town authorities for a population about twice the size of Greater London, it might be said that Canada was over-governed. In Ontario for example, there were forty-three counties but the Councils were not directly elected for the members were drawn from the Reeves and Deputy Reeves elected for each village or town.

For an illustration of urban government in Canada the City of Vancouver was examined, with a population of 350,000. Both the Mayor and the small Council of only eight members are popularly elected and are paid, the members being expected to devote as much time to their duties as a M.P. in this country. The reduced number of councillors tended to enhance the importance of the post and make the councillors well-known throughout the city. A further remarkable feature was the number of boards dealing with specific Local Government functions, such as schools, parks, police and libraries. The Local Government franchise in Vancouver as has already been noted, was confined to owners and tenants of property of the value of 300 dollars, while there is a direct vote on certain money byelaws—the equivalent of financial resolutions—which was confined to owners only. Interest in Local Government Elections is not as great as could be wished for, some thirty to forty *per cent.* only of the electors voting. However, there is a general civic pride in many aspects of Local Government in Canada, especially education, which may be accounted for by the fact that some ninety-eight *per cent.* of the population pass through the publicly owned schools, or the Church schools such as those in Quebec where the French speaking community comprise almost one third of the entire population of the Dominion.

In general it may be said that in local government Canada seeks to combine what is best in the British and American systems.

R.N.H.

(To be continued)

NEW COMMISSIONS

CREWE BOROUGH

Cecil George Coffin, 74, Somerville Street, Crewe.
Tom Consterdine, 104, Alton Street, Crewe.
Mrs. Mary Margaret Dowling, 318, Broad Street, Crewe.
Frederick John Owen Farr, 104, Nelson Street, Crewe.
Miss Elizabeth Winifred Humphreys, 144, Alton Street, Crewe.
Mrs. Mary McCutcheon, 39, Nantwich Road, Crewe.

DUNSTABLE BOROUGH

William Henry Seamons, 190, West Street, Dunstable.
Austin George Alan Tawell, 13, Beecroft Way, Dunstable.

SHEFFIELD CITY

The Hon. Robert Arthur Balfour, Little Orchard, Holmesfield, nr. Sheffield.
Bertram Harold Barber, Low Wood, Baslow, Bakewell, Derbyshire.
Miss Mary Berry, 17, Moor Oaks Road, Sheffield, 10.
Mrs. Ursula Norah Janet Boot, Blenheim, Ecclesall Road South, Sheffield, 11.
Mrs. Bertha Buchanan, 35, Linden Avenue, Sheffield, 8.
Charles Thomas Buxton, 174, Richards Road, Heeley, Sheffield, 2.
Walter Bernard Carter, 104, Queen Victoria Road, Totley Rise, Sheffield.
Percy Dinsley, 32, Abbey Lane, Sheffield, 8.
Miss Ivy Helen Evison, 220, Carterhowle Road, Sheffield, 7.
Mrs. Phyllis Joan Farris, West Heip, 55, Whiteley Wood Road, Sheffield, 11.
Ambrose Firth, 35, Ivy Park Road, Sheffield, 10.
Miss Zara May Glass, 265, Ringing Low Road, Sheffield.
Mrs. Helen Beveridge Herklots, 10, Claremeont Place, Sheffield, 10.
John Godfrey Leif Hill, 43, Sitwell Road, Sheffield, 7.
Oliver Spencer Holmes, 38, Kingfield Road, Sheffield, 11.
Mrs. Hilda Housley, M.B.E., 122, Airedale Road, Sheffield, 6.
John Philip Hunt, West Garth, Sheffield, 10.
Miss Gladys Maude Hunter, 21, Hartington Road, Sheffield, 7.
Alfred Jackson, Cliffcote, Grindleford, nr. Sheffield.
Roland Arthur Kirkby, Heath Court, Dore, Sheffield.
Percy Elden Lee, Causeway House, Dore, Sheffield.
Isidore Lewis, 22, Canterbury Avenue, Sheffield, 10.
Arthur Francis McCandlish, 3, Writtle Street, Sheffield, 4.
Gilbert Needham, 94, Dalewood Road, Beauchief, Sheffield, 8.
Tom Neville, 2, Richworth Road, Sheffield, 9.
James O'Dowd, 12, Greystones Grange Road, Sheffield, 11.
John Tharratt Riddle, Sandiway, Grindleford, nr. Sheffield.
Jack Hastings Rivett, 24, Taptonville Road, Sheffield, 10.
Mrs. Eleanor Mary Sampson, Biltwood, 397, Fulwood Road, Sheffield, 10.
Mrs. Grace Tebbutt, 106, Greenhill Avenue, Sheffield, 8.
Stanley Worrall, 23, Marston Road, Sheffield, 10.
James Mordaunt Wragg, 12, Stone Delf, Sheffield, 10.
Gerard Young, The Ridge, Sandygate, Sheffield, 10.

WEEKLY NOTES OF CASES

KING'S BENCH DIVISION

(Before Lord Goddard, C.J., Oliver and Sellers, JJ.)

April 30, 1951

BOYD-GIBBINS *v.* SKINNER

Road Traffic—Built-up area—Direction that road to be deemed to be in built-up area not produced—Speed-limit sign—Prima facie evidence of all necessary steps having been taken—Road Traffic Act, 1934 (*24 and 25 Geo. 5, c. 50*), *s. 1 (1) (b).*

CASE STATED by the appeal committee of Surrey Quarter Sessions.

At a court of summary jurisdiction an information was preferred by Frederick Edward Skinner, a police officer (" the prosecutor "), charging Arthur George Boyd-Gibbins (" the defendant ") with driving a motor car on a road in a built-up area at a speed exceeding thirty miles an hour, contrary to s. 10 (1) of the Road Traffic Act, 1930. The justices convicted the defendant, who appealed to Surrey Quarter Sessions, where the following facts were established. The car was being driven at about fifty-three miles an hour. Speed-limit signs were visible at the time, but there were no lamp-posts on the road, and, accordingly, it would not be a built-up area within s. 1 (1) of the Road Traffic Act, 1934, unless a direction had been given that it was so to be deemed: s. 1 (1) (*b*). The prosecution, relying on s. 36 of the Act of 1934 as creating a presumption that the traffic signs had been lawfully placed in the position in which they were, did not produce the order which had been made by the appropriate authority directing that the road should be deemed a built-up area. Quarter sessions were of opinion that the prosecution ought to have produced the order, and, as they had not done so, they had not proved their case, and allowed the defendant's appeal. The prosecutor appealed to the Divisional Court.

Held, that wherever a speed-limit sign was erected at the beginning of a road it was *prima facie* evidence that all necessary steps had been taken to make the area a built-up area, and, therefore, there was *prima facie* evidence that the area in the present case was a built-up area. The appeal must be allowed and the case remitted to quarter sessions with a direction to convict.

Counsel: *Du Cann* and *Stuart Horner* for the appellant; *Michael Eastham* for the respondent.

Solicitors: *Johnson Law & Co.*; *Wontner & Sons.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

(Before Lord Goddard, C.J., Croom-Johnson and Streatfeild, JJ.)

April 27, 1951

R. *v.* LONDON QUARTER SESSIONS APPEAL COMMITTEE. *Ex parte* WESTMINSTER CORPORATION

Street Trading—Licence—Cancellation by local authority—Successful appeal by trader to magistrate—No right of appeal by local authority to quarter sessions—" Person deeming himself aggrieved "—London County Council (General Powers) Act, 1947 (*10 and 11 Geo. 6, c.* xlvi), *s. 64.*

MOTION for order of *mandamus*.

Westminster Corporation having cancelled the licences of five persons as street traders, these persons appealed to the magistrate sitting at Bow Street Magistrate's Court, who revoked the cancellations. The corporation appealed to London County Quarter Sessions against the magistrate's decision, but the appeal committee held that no appeal lay as the corporation was not a " person deeming himself aggrieved " within the meaning of s. 64 of the London County Council (General Powers) Act, 1927. The corporation obtained leave to apply for an order of *mandamus* to compel the appeal committee to hear the appeal.

By the London County Council (General Powers) Act, 1947, the council are authorized to give or revoke licences to street traders. By s. 25 any person aggrieved by the cancellation of a licence by a council may appeal to a petty sessional court and the court may confirm, reverse, or vary the decision of the council. By s. 64 " any person deeming himself aggrieved " by any order of a court of summary jurisdiction may appeal to quarter sessions.

Held, that the magistrate's order did not affect the corporation in such a way as to make it a " person deeming himself aggrieved " within the meaning of s. 64, and the application for *mandamus* must, therefore, be refused.

Counsel: *Sir Godfrey Russell Vick, K.C.*, and *Vernon Gattie* for the corporation; *Curtis-Bennett, K.C.*, and *J. C. G. Burge* for the appeal committee.

Solicitors: *Allen & Son*; *Kingsley, Napley & Co.*

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

WILTSHIRE COUNTY COUNCIL *v.* WILTSHIRE QUARTER SESSIONS STANDING JOINT COMMITTEE AND ANOTHER

Acquisition of Land—Police purposes—Premises required for police station—Owner unwilling to sell—No discretion in county council to refuse to acquire compulsorily.

SPECIAL CASE stated pursuant to s. 29 of the Local Government Act, 1888.

Wiltshire Quarter Sessions Standing Joint Committee determined that it was necessary for them to acquire for a police station premises in the borough of Chippenham, but the owner was not willing to sell, and the committee requested the Wiltshire County Council to acquire the premises compulsorily. The following two questions were submitted for the opinion of the Divisional Court. (i) Had the county council any general discretion to refuse to acquire compulsorily for police purposes a particular piece of land which the standing joint committee had requested them to acquire? (ii) If the answer to the first question was in the negative, had the county council any discretion to refuse to acquire compulsorily for police purposes a particular piece of land which the standing joint committee had requested them so to acquire if they were reasonably satisfied that other and equally suitable sites were available for the police purposes in question?

Held, that both questions must be answered in the negative. The decision in *Ex parte Somerset County Council* (1889) (54 J.P. 182) was an authority for the proposition that the county council were obliged, on the requirement of the committee, to acquire land required for police purposes, and they must do so even if they had to exercise their powers of compulsory purchase. The acquisition of land for a police station was obviously for police purposes.

Counsel: *Capewell, K.C.*, and *Squibb* for the county council; *Percy Lamb, K.C.*, and *Widgery* for the standing joint committee.

Solicitors: *Collyer-Bristow & Co.* for *F. A. Selborne Stringer*, Trowbridge, for both parties.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

April 25, 1951

PERRINS *v.* PERRINS AND ANOTHER

Town and Country Planning—Enforcement notice—No appeal—Prosecution for use of land in contravention of notice—No right of justices to question validity of notice—Town and Country Planning Act, 1947 (*10 and 11 Geo. 6, c. 51*), *ss. 23 (3), 24 (3).*

CASE STATED by justices.

At a court of summary jurisdiction at Southport, an information was preferred by the appellant, Richard Edgar Perrins, town clerk of Southport, against the respondents, Nellie Perrins and Gordon Hubert Kilburn Perrins. The information alleged that on or about July 28, 1949, the Southport Borough Council, being the local planning authority for the purposes of the Town and Country Planning Act, 1947, served on the owner and occupier of certain land in the borough an enforcement notice requiring the use of the land as a caravan site and for camping purposes to be discontinued and that the respondents severally on June 30 and July 10, 1950, unlawfully permitted the land to be used as a caravan site in contravention of the notice and without the grant of permission in that behalf under Part III of the Act, contrary to s. 24 (3) of the Act. The notice was proved before the justices, but the respondents objected that it was bad on the ground that they had not developed the land since July 1, 1948. The justices were of opinion that nothing in s. 24 (3) of the Act of 1947 exonerated the appellant from giving proof of relevant matters of fact averred in the notice, and that, the appellant having failed to satisfy the court that any material change had been made in the use of the land after July 1, 1948, there had been no development thereof as alleged in the notice and the permission of each of the respondents on the respective dates for the land to be used as a caravan site was not contrary to s. 24 (3) of the Act. They, accordingly, dismissed the information, and the prosecutor appealed.

By s. 23 (1) of the Act power is given to the local authority to serve an enforcement notice requiring that there shall be no development of particular land if it appears to the authority that development of the land has been carried out since the appointed day (July 1, 1948). Subsection (3) gives power to the person on whom the notice is served to apply to the local planning authority to withdraw or vary the notice; subs. (4) gives such person the right to appeal to a court of summary jurisdiction; and subs. (5) gives him the right to appeal to quarter sessions against the decision of the court of summary jurisdiction. Subject to these rights, the notice, by subs. (3), " shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein." By s. 24 (3): " Where, by virtue of an enforcement notice, any use of land is required to be discontinued . . . then if any person, without the grant of per-

mission in that behalf under this Part of this Act, uses the land or causes or permits the land to be used . . . in contravention of the notice, he shall be guilty of an offence . . ."

Held, that the notice having become effective by reason of the provisions of s. 23 (3), it was not open to the justices to question its validity, and the case must be remitted to them with a direction to convict.

Counsel: *Baucher* for the appellant; *R. Gordon Glover* for the respondent.

Solicitors: *Sharpe Pritchard & Co.*, for *R. E. Perrin*, town clerk, Southport; *Pritchard, Englefield & Co.*, for *Sydney Haworth*, Southport.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

CORRESPONDENCE

[The Editor of the *Justice of the Peace and Local Government Review* invites correspondence on any subject dealt with in its columns, for example, magisterial matters, probation, local government, etc.]

The Editor,
Justice of the Peace and
Local Government Review,

DEAR SIR,

JUSTICES AND MOTORING OFFENCES

Perhaps the chairman of a country bench for a division straddling two trunk roads may be permitted a few observations on Sir Leo Page's article in your issue of April 14.

Because the average fines for careless and dangerous driving are some £3 and £5 respectively, therefore, he argues, benches and especially country benches (the reason for the emphasis is not clear) are not doing their job. This sort of over simplification, a not uncommon trait of controversialists, just will not do because (a) the vast majority of drivers summonsed are not inconsiderate hooligans, (b) a summons for dangerous driving depends on the widely varying police yardsticks and (c) the statistics on which he relies tell us nothing about costs.

In my experience, while the bad case is easily recognizable and can be faithfully dealt with, a formidable proportion of summonses arise not from deliberate disregard for the safety of others but from a momentary lapse more serious, but often not much more serious, than the mere error of judgment which is a good defence to proceedings. In such cases a heavy fine would be out of all proportion to the facts and especially, as is often the case, for a first offence.

If the police yardstick for dangerous driving summonses was uniform Sir Leo Page's stricture under this head might carry some weight but some police authorities are free with these, others rather the reverse. It may well be therefore that the £5 average so far from proving the incompetence of benches shows that a proportion of these summonses do not fit the circumstances. (I am of course aware of the power in such instances to convict for careless driving but it would be interesting to know the figures in this regard.)

If it is desired to use statistics for the indictment of benches they should show the total costs ordered to be paid. There are many instances where a fine is considerably lower than might be expected because the bench requires a defendant to foot an exceptionally heavy bill for costs.

Finally, with the greatest diffidence, I would suggest that High Court pronouncements on motoring penalties are not necessarily always in focus. Judges only see the worst cases, often where a defendant thinks he stands a better chance with a jury than a bench.

I am, Sir, your obedient servant,

KENNETH MACASSEY.

Combe Head House,
Combe St. Nicholas,
Somerset.

[On the general question of penalties and costs, *see* article at p. 84, *ante*; *see* also correspondence at p. 155, *ante*.—*Ed., J.P. and L.G.R.*]

TO A QUICK BENCH

The reason you give for your love of haste
Is that Time is a thing which one shouldn't waste
Yes—Speed has made you its ardent slave:
But what do you do with the time you save?

J.P.C.

MISCELLANEOUS INFORMATION

NATIONAL ASSOCIATION OF PROBATION OFFICERS

The thirty-ninth annual conference of the National Association of Probation Officers was held from April 20 to 23 in the Pier Pavilion, Southend-on-Sea. The opening event was a reception by the Mayor of Southend (Councillor H. Wilfrid Cox, J.P.), and this was attended by about 300 delegates and fifty other guests. On Saturday morning, April 21, the annual general meeting of the Association was held, presided over by Mr. W. C. Todd, principal probation officer for Middlesex, who was re-elected chairman. Mr. S. R. Eshelby was re-elected vice-chairman, and Mr. N. W. Grant, treasurer. The chairman's address referred to the recent salary negotiations and re-affirmed the Association's dissatisfaction with the settlement reached, and the recording in the minutes of the Joint Negotiating Committee of the acceptance of the settlement without prejudice to the much larger claim which had been submitted to that body. Mr. Todd emphasized that the probation service still faced difficulty in finding the right number and quality of recruits. He reminded the Association that the Negotiating Committee was going on to deal with conditions of service. The first points under this heading had already been discussed. He mentioned the addition to the statutory duties of probation officers of responsibility for after-care of persons released from prisons and borstals and hoped that the administrative difficulties in this work might soon be eliminated. He referred also to the work now being done in the divorce court in London where a probation officer is being asked to advise the court where the welfare of children is concerned.

The annual report showed an increasing recognition of the Association by other bodies and its contribution as a consultative body to the better understanding of probation and its use. The membership of the Association has grown during 1950 by sixty-nine probation officers and 169 associate members, and the financial situation, which had given considerable anxiety, was at the end of the year slightly better than when the year opened. The report presented by the secretary, Mr. Frank Dawtry, was accepted without dissent.

The annual general meeting passed the following resolution on the salary situation by a large majority: "That this annual general meeting of the National Association of Probation Officers welcomes the advances in the salaries of probation officers, which will not become fully operative until January 1, 1952, and records its thanks to the salaries and service sub-committee and to the representatives of the Association on the Joint Negotiating Committee for their work in connexion with salary negotiations. It particularly appreciates the achievement of complete assimilation for all whole-time officers to the revised salary scale. This meeting nevertheless re-affirms its dissatisfaction with the salary scales and regards them as by no means adequate to reflect the responsibility and status of probation officers in the community, or to attract recruits of the quality or experience the probation service needs. Furthermore the meeting is of the opinion that in view of the continuing rise in the cost of living and the recent relaxation of restrictions on personal incomes, there should be a continued vigorous prosecution of the Association's salary claim, duly amended in the light of recent conditions."

The meeting also accepted an emergency resolution relating to the recently announced intention of the Government to appoint a Royal Commission on Divorce: "This conference of the National Association of Probation Officers notes with interest the proposal that a Royal Commission on Divorce be established and expresses the sincere hope that His Majesty's Government in fixing the terms of reference will pay particular attention to the causes of the breakdown of marriage and the welfare of the children concerned, and while aware that this may prolong the sitting of the Commission and possibly delay its report, this Association feels that a complete investigation into the present state of the law both in Great Britain and other countries in relation to marriage, separation and divorce and their social and economic effects would in the end be of the greatest benefit to the community."

The outstanding event of the conference was the visit of the Lord Chief Justice, Lord Goddard, who spoke of the misuse and correct use of probation. He was aware of the impression that he had at times attacked probation, but that was not in fact the case and he had always, before criticizing the *misuse* of probation, paid his tribute to the work of the probation service, which he now repeated. He hoped that probation officers would give him their opinion about the wisdom of using probation increasingly for adults, and hoped they felt that it was more likely to succeed in adult than in juvenile cases. Lord Goddard deplored the lack of alternative treatments where probation seemed inappropriate or had apparently failed, and blamed this lack of alternatives for the frequent repetition of probation and its consequent failures. He said that the 1948 Criminal Justice Bill provided for at least nine forms of institutional treatment—but of remand

centres and detention centres there was no sign, and there were only three attendance centres in the country. There was thus a demand on approved schools—but they were very expensive—or a resort to borstal in cases where this might well have been avoided if other facilities had been available. The Lord Chief Justice concluded with some general comments on the luxury and expense of some of the approved schools and on the careless use of psychiatry.

On Sunday, April 22, the conference devoted a session to the future policy and organization of the National Association, and was led by its vice-chairman, treasurer and secretary to think in terms of professional status, code of conduct, a part in the training and recruitment of officers, and a vision of the work of probation as a contribution to the general well-being of society. The conference authorized the establishment of a working party to consider all aspects of the Association's future policy and to report to the next annual conference, which is to be at Morecambe in May, 1952.

Miss Margery Fry, LL.B., J.P., spoke on Sunday afternoon about probation in other lands, largely as revealed through her work in the United Nations Expert Committee which was preparing a comprehensive survey of the use of probation and its differing interpretation in many countries. She felt proud of the British model which seemed to be the one which most countries will copy. Mr. Derek Barboen, a London probation officer recently returned from three years work with the Control Commission in Germany, spoke in the discussion of the beginnings of probation work in Germany as now understood in our sense of the work, and no longer as part of the general youth work as in the pre-war Germany.

The conference concluded with an address from the president of the National Association, Lord Feversham who, after commenting on the press reports of Lord Goddard's speech (which unfortunately emphasized only his comments on psychiatry) emphasized the need for research into the causes, moral, ethical and economic, of crime. He suggested that a welfare state was not sufficient to cure the conditions which pre-disposed to crime and felt that our remedial measures must have regard to the heredity, the will and the character of each individual. The building of character, he said, depended first on stability and secure affection in the home, secondly on the right outlet for physical activity and thirdly on a reasonable and consistent authority.

The conference was attended by approximately 300 probation officers and fifty magistrates, members of probation committees, and other interested social workers.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

SUB-NORMAL DELINQUENT CHILDREN

On the adjournment in the Commons this week, Mr. Kenneth Thompson (Liverpool, Walton) raised the question of sub-normal delinquent children.

He said that there was a class of children who were both educationally sub-normal and delinquent, and for whom there was no special or proper provision. The number of children who properly came within that category was small, but he did not believe it was as small as the figures submitted would have them believe. The attitude of the magistrates had a good deal to do with the destination to which the children were sent. Magistrates knew that there was no proper provision for those children, that there was no " right place " to which they should be sent for proper training and treatment, and they were worried and perplexed about the committal they should make in the case of those educationally sub-normal children.

If a child was educationally sub-normal and delinquent and was sent to an ordinary residential special school, he was out of tune with the other children in the school. The child required special disciplinary treatment to make it fit in with any pattern of community life within that special school. Not only did it fail to benefit by what was offered by the school, but it was a retarding influence upon the rest of the children in the school and presented a fresh handicap to children already sufficiently handicapped. There was a by-product of the problem in that parents of other educationally sub-normal non-delinquent children were reluctant to send their children voluntarily to a school which was already populated by children who had a record of delinquency and, therefore, might be feared to be capable of leading astray the non-delinquent educationally sub-normal child.

In an ordinary approved school, the child had the benefit of the firmer discipline and proper supervision. But there were no approved schools in this country that were equipped to train a child who was educationally sub-normal as well as being a delinquent. That child in the approved school was again a drag upon the more alert, though sometimes not very much more alert, delinquent who was not educationally sub-normal, and the pace of the school was slowed down to the extent to which the number of children in the school were educationally sub-normal as well as delinquent.

Mr. Thompson went on to suggest that the right approach would be to make sure that there was sufficient room in our special schools for all children educationally sub-normal and who required special school treatment, either in day or residential special schools.

Children who were educationally sub-normal and whose sub-normality was leading them into delinquency, moral maladjustment, should, first of all, have the opportunity of special school treatment, just like ordinary educationally sub-normal non-delinquent children. If they failed to benefit from that treatment in the ordinary special school, then there ought to be another kind of special school available to them—a special special school or special approved school, where there was both education to deal with their sub-normality and discipline and supervision to deal with their delinquency.

The Parliamentary Secretary to the Ministry of Education, Mr. D. R. Hardman, who replied, said it was important to remember that only a small proportion of juvenile delinquents were of sub-normal intelligence. It was equally important that sub-normal intelligence in itself did not predispose a child to juvenile delinquency. Indeed, special educational treatment was there to help them to grow up as useful members of the community, thus preventing that sense of frustration which could lead to juvenile delinquency.

The term " educationally sub-normal " was a wide one ; it covered " all those, who by reason of limited ability, or from conditions resulting in educational retardation require some specialized form of education wholly or partly in substitution for the education normally given in ordinary schools." A great many could be covered by that definition, and a great many could be dealt with in the ordinary school and did not require a place in a special school.

Dealing with those children who were so sub-normal that the ordinary schools were not fully equipped to deal with them, Mr. Hardman said that even if they had been found guilty of an offence which might lead to their being sent to approved schools, there was still a case for sending them to a special school. Approved schools had special characteristics to suit those judged, for one reason or another, to require removal from their home surroundings.

The managers of approved schools had to place their charges in ordinary life as soon as they were fit to leave school, but the child of low intelligence who behaved very badly and who did not respond to normal educative influences, could only receive appropriate treatment in a special school planned for the purpose and providing education treatment of such length that the child went into the community again only when the treatment had been successful.

The crux of the problem was that there was a serious shortage of places for educationally sub-normal children. On February 22 last, 28,000 children in England and Wales were known to require education in special schools for educationally sub-normal children, and there was only provision for 15,000. That was the legacy of many years of neglect ; and this was not an easy time to suggest great physical advances in the way of school building or in the way of altering old houses to make them suitable schools for that purpose.

But the Ministry of Education and the Home Office recognized the urgency of the problem. They recognized that special treatment had to be available to play its part in limiting juvenile delinquency. Since 1945, sixty-four new special schools for educationally sub-normal children numbering 4,000 had been provided. Thirty-nine of them housing 2,000 children were for boarding education. In the current building programme, they were providing for a further 1,000 places. Those increases showed a rate of progress unknown in any period in the educational development of the past. They intended to pursue that policy as vigorously as possible.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Thursday, May 3

FIRE SERVICE BILL, read 2a.
RAG FLOCK AND OTHER FILLING MATERIALS BILL, read 3a.
FRAUDULENT MEDIUMS BILL, read 2a.
NEW STREETS BILL, read 2a.

HOUSE OF COMMONS

Monday, April 30

COAL INDUSTRY BILL, read 2a.
COURTS-MARTIAL (APPEALS) BILL, read 3a.

Thursday, May 3

RESERVE AND AUXILIARY FORCES (PROTECTION OF CIVIL INTERESTS) BILL, read 2a.

Friday, May 4

FIREWORKS BILL, read 3a.

REVIEWS

Book-Keeping for Solictiors. By R. J. Carter. London : Butterworth and Co. (Publishers) Ltd. Price 25s.

As a large number of our readers have at one stage of their career become more or less painfully aware, the mysteries of book-keeping are among the matters with which every solicitor has to be familiar. Moreover the book-keeping he requires is specialized, because of the obligations placed upon him in regard to the money and other property of clients which come into his hands. In every solicitor's office book-keeping is one of the things which is happening every day, whatever else may be going on, in regard to litigation or conveyancing or the management of property. Wisely, however, the present work does not aim primarily at emphasizing the solicitor's obligations, or expounding the systems which have been evolved for the purposes of solicitors, but rather at indicating to students the general principles of the science, and their practical application. The author (who is an accountant and lecturer in book-keeping and trust accounts at the Law Society's School of Law), calls attention to the danger, that in office life attention may be concentrated upon the detail of daily entries, to the overlooking of the principles involved. It is a danger we have constantly found in other fields, and one which we should suppose may especially affect the work of a solicitor's office, where half the book-keeping has to be done with an object different from that of the commercial firm. Accordingly, the first and larger part of the book is devoted to inculcating fundamental principles and sound rules of practice. Then comes specific information about companies, taxation accounts, and the book-keeping of traders, before the peculiar requirements of the solicitor are dealt with. We suppose that the student may not realize at first that, in the course of ordinary legal office work, he may be called upon to go deeply into the accounts of any business, on behalf of which or against which his firm is acting for the time being, as well as being responsible for the book-keeping records of the firm's own operations. When the author does come to the solicitor's specific requirements, he deals fully with them, under the headings first of the solicitor's own book-keeping and then of the relations between the solicitor and the client, with particular attention to the Solicitor's Accounts Rules, which have statutory force under s. 1 of the Solicitors Act, 1943, and to the rendering of costs. At first sight we were inclined to think that there was, perhaps, too little about the Accounts Rules, seeing how many solicitors have come to grief in this particular field, and how great care the Law Society now takes to safeguard them and their clients against financial irregularities. On looking, however, at the author's preface we realize that this method of treatment is deliberate. He is not concerned in the present work to teach book-keeping for solicitors, but to teach embryo solicitors, how to do book-keeping (not quite the same thing). So far as we are able to judge of a mystery which is not our own, the work is admirably done, and even the student who takes it up without any previous knowledge of the subject will be able to understand the text and the illustrations given. As he progresses towards his book-keeping examinations, he will find complete information for most purposes and, subject to the instruction of his principal, should have little difficulty in acquitting himself satisfactorily, if he really masters what Mr. Carter here sets out to tell him.

The National Health Service Acts, 1946 and 1949. By J. A. Scott, D. J. B. Cooper, S. Seuffert and H. A. C. Sturgess. London : Eyre and Spottiswoode. Price 55s.

In reviewing other books on this subject, we have drawn attention to the difficulty which arises when a book is produced soon after a comprehensive measure, such as the National Health Service Act, 1946, has been passed.

The volume we are now reviewing has not however been published under such a disadvantage. The authors have made it comprehensive by fully annotating the Act of 1946, as amended by other legislation, and have included the National Health Service (Amendment) Act, 1949, and all the statutory instruments issued up to March 31, 1950, as amended, because during this period a number of them have been revised. In addition, some of the more important circulars issued by the Ministry of Health and other documents of interest are included in the appendices.

The book is really a sequel to a small volume prepared by the authors containing an indexed edition of the Act of 1946.

In an introduction the authors have explained the background of social policy, and the planning of the new National Health Service. There is also a full explanation of the scope and structure of the National Health Service. It is pointed out that the problems which have confronted the new Service have arisen mainly from the great demand for the facilities provided.

The volume of the matter dealt with in the book is shown by the fact that it has over 1,000 pages, apart from appendices covering another 100 pages. Its value is greatly enhanced by the Index which has been compiled under the supervision of Mr. H. A. C. Sturgess, M.V.O., Librarian to the Middle Temple, and contains references, not only to the page on which the matter appears, but also to the section or paragraph of the relevant Act or Statutory Instrument.

Small Towns—Their Social and Community Problems. By L. E. White. London : The National Council of Social Service (Incorporated). Price 3s. 6d.

Much has been written about the problems of great cities, of their slums and new housing estates, whilst a wealth of literature has been devoted to the revival of the countryside. The late Dr. Henry Mess, to whom the idea of this book is due, felt however that the small towns had been neglected by social research workers. He commenced work during the last war on a survey with the aim of assessing the importance, as well as the decline or growth of small towns in England, and the quality of their social life. Some thirty towns were originally selected, and a number of survey groups, widely representative of interest in various towns, were got up. His untimely death in 1934, however, brought this work to an end while there was still much to do. The present author had the opportunity of using the unpublished material collected by Dr. Mess, and deals in a very interesting manner with the importance of small towns in future planning ; the growth and decay of small towns ; the advantages of the small towns ; and their disadvantages and limitations. In conclusion he suggests further problems, which perhaps others will help to solve.

NOTICES

The next court of quarter sessions for the city of Hereford will be held on May 18, 1951.

The next court of quarter sessions for the city of Winchester will be held at the Guildhall on May 25, 1951, at 10.45 *a.m.*

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Contract—*Implied contract—Dentistry—National Health Service.*

A is on the national health scheme. He ascertained that B, a dentist, was registered under the health service as a dentist. A's infant child was taken to the dentist for orthodontic treatment. A intended the treatment to be free under the Act. Nothing was said either by A or the dentist as to whether the treatment was to be under the Act or private. In due course the dentist submitted a bill. A repudiated liability claiming that the treatment should have been free. Before the Act there would have been an implied contract and A would have had to pay. Can it be said, in view of the Act, that such an implied contract can now arise? The dentist cannot, of course, recover payment from the authorities as the necessary forms were not completed, and in any case it is essential for a dentist to obtain the permission of the dental estimates board before he can give orthodontic treatment. We can find no decided case on the matter and should much appreciate it if you can refer us to any case. AST.

Answer.

We should not expect to find such a point litigated in this context, where the amount of money at stake in a particular case would not justify taking the case higher than the county court, if so far. But the principle seems clear. In order that a contract may exist, the parties must be *ad idem*. When the court implies a contract, what it means is that the parties must, upon the facts, be supposed to be *ad idem*. Where there is no evidence of an actual contract, the party relying on an implied contract has the burden of proving such facts. Before the Act it was enough to prove the treatment, since dentists did not at their own surgeries (*i.e.*, as distinct from hospital treatment) work for nothing. Now they do—as between themselves and the patient. It follows that a dentist (knowing the procedure as he must and as the ordinary patient does not) cannot now keep silence about the alternatives available, and afterwards be heard to say that the alternative which is the more profitable to himself has been impliedly agreed.

2. Criminal law—*Affray—Procedure before justices.*

A police report states that a constable A, on duty in the police office, responded to a call for assistance from another constable B, on duty in the Market Place some 200 yards from the police office. Constable A hurried to the scene and saw twelve or fifteen men outside an hotel in the Market Place either fighting or in aggressive attitudes. Two of the men were at grips and had to be forcibly restrained. Many of the men present ran away on the approach of the constables—four men remained and had to be taken to the police office for treatment for their injuries. After treatment these four men were told they would be reported for causing a breach of the peace and they were allowed to go. The same evening, fifty minutes later, another of the men present at the fighting was seen by constable A at the scene of the fighting where he picked up the top of an electric torch and he was heard to say "this is what he hit me with." This man was told he was being reported for being concerned in a breach of the peace. Two days later another of the men present at the fighting called in the police station on another matter and was told that he was being reported for being concerned in a fight on the previous Saturday. Five days after the disturbance informations were laid against the six offenders mentioned above by the sergeant in charge of the police station, for an "Affray" in form No. 1 *Oke's Magisterial Formulist* 13th edn. p. 136, and five of the offenders were summoned to appear at a petty sessional court eight days after the issue of the summonses; the police have not effected service on the sixth offender. Three of the offenders appeared in answer to the summonses and were bound over to keep the peace and be of good behaviour and ordered to pay costs. The cases against the two remaining offenders stand adjourned. The questions I wish to put are:

1. Were the proceedings by information and summonses issued five days after the disturbance in order?
2. Were the justices in order in binding over the three offenders who appeared in answer to the summonses?
3. What steps (if any) should be taken against the three offenders who have not appeared? SOLO.

Answer.

Affray is a common law misdemeanour, and therefore proceedings by way of information may be taken as for other criminal offences, although in cases of this kind arrest without warrant is usually resorted to if possible, as the best means of putting an end to the breach of the peace.

In case of a serious affray the offenders would no doubt be committed for trial, but if this does not appear necessary it is no doubt proper for the justices to require recognizances as a preventive measure and not as upon a conviction. In our opinion, therefore, the answers are:

1. Yes.
2. Yes, assuming the evidence showed this to be necessary.
3. Warrants could be issued upon information for the misdemeanour.

As to affray, *see* 9 *Halsbury* 311, 312.

3.—Education—*School attendance—Child certified for special school—No special school available.*

The Education Act, 1944, imposes a duty on local authorities to provide efficient education suitable to age, ability, and aptitude. They shall have regard to the need for securing that provision is made for pupils who suffer from any disability of mind or body, etc.

If a medical officer of the local authority has issued a certificate under s. 34 (5) showing that the child is suffering from a disability of mind or body of such a nature and extent that it is expedient that the child should attend a special school:

(*a*) Should the child remain a registered pupil at an ordinary school until such time as a vacancy occurs in a special school?

(*b*) Has the authority power under s. 39 to institute proceedings to enforce attendance at an ordinary school when there is in existence a certificate showing that an ordinary school is not suitable to the child's age, ability, and aptitude? ACOL.

Answer.

(*a*) The certificate under s. 34 (5) is only to be required by the local education authority where "necessary" for the purpose there stated, but perhaps this was so, *i.e.*, the case was not one of "expediency" alone. It is not clear how the child came to be registered at an ordinary school but, since he is, we think he must so remain unless his name is deleted on one of the grounds set out in the Pupils' Registration Regulations, 1948, S.I. 1948 No. 2097.

(*b*) With some hesitation, we think the existence of the certificate should be regarded as an "unavoidable cause" within the meaning of s. 39 (2) (a), so that proceedings should not be taken.

4.—Food and Drugs Act, 1938, s. 68 (4)—*Milk at collecting point away from source—Transit.*

A is a milk producer, and by his contract with the Milk Marketing Board he has to deposit his milk in churns at a collecting point, the churns being addressed to a creamery company at C. The collecting point is approximately one mile from A's farm. The Board arrange for carriage of the milk from the collecting point to the company's premises at C. Soon after A deposited his churns of milk on the collecting stand an authorized sampling officer under the Food and Drugs Act, 1938, took samples from each of the churns whilst the churns were still on the collecting stand. A was present during the sampling. A few minutes after the samples were taken, the collecting lorry arrived and the sampling officer saw the churns being placed on the lorry and taken away to the creamery.

The following note appears at p. 973 of the 81st edn. of *Stone's Justices' Manual*:

"'Transit' includes all stages of transit from dairy, place of manufacture, or other source of origin to the consumer (s. 100 (1)). Where churns of milk were waiting in the road for a carrier it was held that 'transit' did not begin until the milk was delivered to the carrier: *Morgan* v. *Davies* (1942) 86 Sol. J. 6."

It is also noted that during the course of his judgment in *Jones* v. *Edwards* (1948) 92 Sol. J. 298 the Lord Chief Justice stated "Therefore, the milk was in transit from the time when it left the farm until it reached Meirion Creameries. I cannot, therefore, see that the sampling officer did anything wrong, and that is the only point in the case. It is perhaps satisfactory (for one does dislike these contracts into which farmers are forced to enter, in the terms of which they have no voice) that there are no merits in this case, since the sample of the milk was taken almost immediately after it was deposited at the farm collecting point (although it had been loaded on to the lorry), and was found to contain added water . . ."

The significance of the words " although it had been loaded on to the lorry " contained in the above extract from the Lord Chief Justice's judgment is not understood, and your views on the question whether the case of *Jones* v. *Edwards* can be regarded as overruling *Morgan* v. *Davies* would be appreciated.

Your opinion is also sought on the question whether samples taken in the circumstances mentioned above can be said to have been taken in transit. ARV.

Answer.

We do not think the cases are inconsistent. In *Morgan* v. *Davies* the transit had not, apparently, begun because the milk had not left its source of origin. In *Jones* v. *Edwards* it had left its source of origin and reached a collecting point, stated in the report to be " quite close " to the source of origin ; the question was whether, having there been handed over to a lorry driver who was not the consignor's agent, but the agent either of the Milk Marketing Board or of the consignee, it was still in transit. The parenthetic words to which you call attention were apparently used by the Lord Chief Justice by way of negativing any suggestion that, by reason of this handing over, transit had come to an end. Your case seems also one of transit ; perhaps it is *a fortiori*, since the milk was no longer " quite close," as in *Jones* v. *Edwards*, but had moved a mile upon its journey, and so was equally outside *Morgan* v. *Davis*, while neither the Milk Marketing Board nor any agent of the consignees had taken possession of it at the time of sampling.

5.—Housing Act, 1936, s. 10—*Recovery of expenses—Owner willing to pay—Necessity of formal demand.*

Where a local authority has carried out work following the owner's default and has submitted an account in respect of such work, should

(*a*) a demand for payment be made in accordance with subs. (3) even if the owner has indicated he is prepared to pay by instalments, or should

(*b*) an order be made under subs. (5) without the service of a demand under subs. (3) ?

If an order is made under subs. (5) is it necessary to send a formal demand or simply a statement as and when each instalment falls due under the order ? ARR.

Answer.

A demand should be made under subs. (3), whether or not subs. (5) is used, because it is the date of the demand which determines the liability for interest. If payment by instalments is contemplated, an order under subs. (5) should be made and registered as a charge. Even though the owner is willing to pay, and the council believe him to be trustworthy, he may die or become insolvent. Formal steps will then be seen to have been necessary.

6.—Landlord and Tenant—*House let with land—Agricultural holding—Rent Restrictions Acts.*

We are interested in P.P. 3 at 114 J.P.N. 754, where your reply appears to assume that the property purchased comprised not only the cottage and one and a half acres but also other land, though this does not appear from the question. If the purchase comprised only the cottage and one and a half acres would the reply be the same ? In other words could the cottage be said to be " comprised in an agricultural holding " within sch. 7 so as to deprive it of the protection of the earlier Rent Acts, which provide that land let together with a house (having a rateable value less than one quarter of that of the house) shall be treated as part of the house ? ARO.

Answer.

Our answer was not based upon the amount of the land but upon its use. We can conceive arguable border-line cases, between a garden used primarily as an amenity of the house and a garden " used for the purposes of a trade or business ": s. 1 of the Agricultural Holdings Act, 1948. But the query seemed so to state the case as to put it on the agricultural side of the line.

7.—Licensing—*Disappearance of licence-holder—Wife still in possession—Whether protection order appropriate.*

In the division to which I am clerk a licence was held by a licensee who disappeared a few days before Christmas. Clothing was found on the bank of the river which indicated that he might have been drowned but so far no body has been found. The licensee has a wife resident on the premises. No application to presume death has been made. The owners of the premises, a firm of brewers, have written to me to the effect that they feel that they ought to apply for a protection order to the next licensing sessions. The brewers inform me that the wife and son are looking after the premises adequately. Can a protection order be granted to the wife or to any other person ?

I should be glad to know of the procedure you advise. NENE.

Answer.

Simple variations of this problem frequently arise and may only be dealt with in a practical way by the grant of a protection order.

It may be long before the mystery of the licence-holder's disappearance is solved ; but it is plain that (as an individual) he has given up occupation of the premises and that his wife (or his son, or both) assumes the status of occupier. Therefore, under the fourth case mentioned in sch. 4 to the Licensing (Consolidation) Act, 1910, the wife is qualified to be granted a protection order under s. 88 of the Act.

8.—Licensing—*Pulling down licensed premises and building new premises on same site—Whether an " alteration "—Licensing (Consolidation) Act*, 1910, *s.* 71.

We act for brewers who own a very old inn in a small market town. The fabric is in such a state that the only practical way of dealing with the situation is to rebuild the whole premises other than certain outbuildings. It is proposed that the rebuilding should take place on exactly the same site as that occupied by the existing premises which are, indeed, sandwiched in between other buildings in the Market Place of the town concerned. Plans were submitted for consideration by the licensing justices under s. 71 of the Licensing (Consolidation) Act, 1910, and a preliminary point has been taken by the clerk to the justices to the effect that the justices have no jurisdiction to deal with the matter under s. 71 on the grounds that as the whole of the licensed portion of the building is to be rebuilt, the premises are losing their identity and the applicant should proceed by way of application for special removal. This is contrary to the practice adopted in other licensing divisions, and we take the view that as the proposed reconstructed building will be within the ambit of the existing licence, the justices have ample jurisdiction to deal with the matter.

Will you please let us know if, in your view, the matter is one with which the justices can properly deal under s. 71. NOTO.

Answer.

We are aware that many schemes similar to that outlined by our correspondent have been approved as alterations by licensing justices : other licensing justices have said that a complete demolition of one building and the erection of another building, even on the same site, cannot without straining language be described as an " *alteration* to licensed premises " although, as we have heard it put, it is undoubtedly an alteration to the landscape. The point has never been considered by

the High Court; but it was fully argued in an application made before Mr. Hollis Walker, K.C., and other justices at Beaconsfield and reported in (1938) *Brewing Trade Review Law Reports* at p. 26, when an application for such a scheme to be approved as an "alteration" under s. 71 of the Licensing (Consolidation) Act, 1910, was refused.

Section 24 of the Act defines "removal" as being from "premises" to "premises" and not from "site" to "site"; and (as a guide to construction) it may be noted that s. 9 (5) of the Licensing Planning (Temporary Provisions) Act, 1945, says: "references to removals include references to removals to or from temporary premises from or to other premises on the same site, and references to removals in any other enactment relating to licensing shall be construed accordingly."

In our opinion, the appropriate application is not a provisional ordinary removal. "Special" removal is not appropriate because the conditions mentioned in paras. (*a*) and (*b*) of s. 24 are not present.

9.—Road Traffic Acts—*Driving by youth under seventeen*—1930 *Act, s. 9—Offence of permitting by person who allows him to drive.*

I would suggest that there is a minor oversight in the answer given to P.P. 8 at p. 238, *ante*, respecting the driving licence offence.

Section 9 of the 1930 Act makes it an offence (i) for a person under seventeen years of age to drive a motor vehicle other than a motor cycle or an invalid carriage; (ii) for *any* person who causes or *permits* any person to drive a motor vehicle in contravention of this section.

I am, therefore, of the opinion that AB, the employed motor van driver can be reported for permitting EF, the van boy, to drive.

JIX.

Answer.

We are indebted to our correspondent. As appears from the P.P. to which he refers we were considering the matter solely from the point of view of the general provisions about unlicensed drivers, and we overlooked that as the driver is under seventeen the special provisions of s. 9 apply, and that s. 9 (4) creates the offences of causing and of permitting a person to drive in contravention of the section.

10.—Road Traffic Acts—*Construction and Use Regulations—Dangerous load—Regulation 67—Defence that defect occurred in the course of the journey—Comparison with reg. 70.*

X is summoned for permitting a motor vehicle to be used which was not maintained in good condition contrary to the Motor Vehicles (Construction and Use) Regulations, 1947, reg. 67. The body of X's motor lorry fell off by the breaking of the bolts and deposited a load of sheep on the highway without causing any damage.

Regulation 70, relating to the maintenance of speed indicators, provides that it shall be a good defence to prove (*inter alia*) that "the defect occurred in the course of the journey during which the contravention was detected." Regulation 67 does not provide a similar defence.

Will you kindly advise us (1) whether such a defence to reg. 67 may be put forward with any hope of success; (2) whether the regulations are in any way *ultra vires* if the intention is to make the defence available to reg. 70 while denying it to reg. 67 (3) whether a defence that all reasonable care has been taken *could* result in an acquittal if the court accepts such a defence, and (4) generally.

JAQ.

Answer.

(1) On the facts of this case it would appear that *prima facie* there had been a contravention of reg. 67 because the bolts did break and allow the body to fall off the lorry, and danger was thus likely to be caused to other persons on the road. If the defence can satisfy the court by evidence that this was (for example) due to a latent flaw in the steel, arising in the course of manufacture, and not to an ascertainable defect in the condition of the vehicle or to the loading, this might be recognized by a Divisional Court as an answer to the charge.

(2) We do not think the regulations are in any way *ultra vires*.

(3) It is difficult to know what is meant by all reasonable care having been taken. The age of the lorry, the uses to which it had been put, and the way in which it was maintained would be relevant considerations, but even so the offence is not failing to take care; it is allowing the vehicle to be on the road when its condition contravenes the regulation: *see* reg. 94, which imposes an absolute duty.

(4) We have nothing to add, except that the "condition" is a physical fact. Short of collision, and the rather remote chance abovementioned of latent flaw, it is difficult to see how a broken bolt can fail to be a contravention.

11.—Shops Act, 1950—*Closing hour—Club barber working outside hours.*

Complaints have been received of an alleged contravention of the general closing hours of shops in this district. The subject of complaint is a barber who outside the normal closing hours is employed by a club to attend to the needs of club members only, on the club premises. It would appear that on a strict interpretation of the Shops Act, 1950, a technical breach is thereby being committed, since a "shop" includes any premises where any retail trade or business is carried on, and "retail trade or business includes the business of a barber." It is felt, however, that this case is something in the nature of a private arrangement concerning only a very small section of the community, the services of the barber not being available to the general public after closing hours. It would be greatly appreciated if you would give your valued opinion as to whether a breach of the law is being committed in this case.

A. CYCLOPS.

Answer.

Is a charge contemplated under s. 2 or under s. 12? The terms of the query suggest s. 2. If so, something may turn on facts; particularly upon whether the barber pays for exclusive use of accommodation. But on what we suppose to be the facts we do not think there is even a technical breach of s. 2. It is true that the word "shop" is defined by inclusion, *i.e.*, by expanding its primary meaning, but the expansion must be by including a trade or business. It is also true that "retail business includes the business of a barber," but this cannot in such a context include every person who does haircutting and shaving. Take *e.g.*, a gentleman's valet, or a lady's maid, either in private service or on the staff of an hotel. No doubt the club could grant a lease or licence to a barber to occupy a room, and trade therein with its members, when s. 2 might apply, but on the facts as we suppose them to be the man seems outside that section.

His position under s. 12 is more difficult. Proviso (*b*) saves a barber or hairdresser who goes to a private house, so that barbering or hairdressing is within the prohibition of s. 12 if done elsewhere by way of trade or business. This limitation to "trade or business" saves the maid and valet; if it could be said that in your case the man while at the club was in the position of a club servant (*e.g.*, if the club committee paid him a wage, on the footing that, like the hall porter, he formed part of the club amenities) the arrangement might be outside the Act altogether, but if the charge for his services is paid by the members individually and goes into his pocket, then we think he is carrying on his trade.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

BOROUGH OF STOCKTON-ON-TEES

Appointment of Deputy Town Clerk

APPLICATIONS are invited from solicitors for the appointment of Deputy Town Clerk of this Borough (population 73,000). The salary will be £1,000 per annum. The National Joint Council Conditions of Service will apply. The salary and conditions will be subject to review when national recommendations on the salaries and conditions of service of Deputy Chief Officers are made.

Applicants must have had considerable local government experience and be competent advocates.

Applications, giving particulars of age, education, qualifications, present and past appointments (with salaries and dates) and experience, accompanied by the names of not more than three referees, should be sent to the undersigned, endorsed "Deputy Town Clerk," to arrive not later than May 15, 1951.

Housing accommodation will be available if required.

FRANK HILL,
Town Clerk.

Barclays Bank Chambers,
49, High Street,
Stockton-on-Tees.

BOROUGH OF STOCKTON-ON-TEES

Appointment of Assistant Solicitor

APPLICATIONS are invited for the position of Assistant Solicitor in my office. The salary will be within the range (Grades Va to VII) provided by the National Joint Council according to qualifications and experience. The National Joint Council conditions will apply.

Preference will be given to applicants who have had previous service in a local government office and who have had experience in conveyancing and advocacy. Some administrative work will be involved in the appointment.

Applications, giving particulars of age, education, present and past appointments (with salaries and dates), and experience, together with the names of two referees, should be forwarded to the undersigned, endorsed "Assistant Solicitor," to arrive not later than May 15, 1951.

FRANK HILL,
Town Clerk.

Barclays Bank Chambers,
49, High Street,
Stockton-on-Tees.

COUNTY BOROUGH OF MIDDLESBROUGH

Appointment of Junior Assistant Solicitor

APPLICATIONS are invited for the appointment of Junior Assistant Solicitor at a salary in accordance with the National Scheme of Conditions of Service, namely:

(*a*) After admission and on first appointment —A.P.T. Division Grade V (a) (£600 —£660 per annum).

(*b*) After two years' legal experience from the date of admission—A.P.T. Division Grade VII (£685—£760 per annum).

The appointment is permanent, superannuable and subject to the National Scheme of Conditions of Service. Previous Local Government experience is not essential.

Forms of application and terms of appointment may be obtained from the undersigned, to whom they are returnable not later than 10 *a.m.* on Saturday, May 26, 1951.

E. C. PARR,
Town Clerk.

Town Clerk's Office,
Middlesbrough.

CITY OF CHICHESTER

Legal and Administrative Assistant (Unadmitted)

APPLICATIONS are invited for the above appointment at a salary in accordance with Grade IV of the A.P.T. Division of the National Scales of Salaries (£480—£525).

Applicants should have had general legal experience in the office of a Clerk of a Local Authority or in a Solicitor's Office, and preference will be given to applicants who have also had experience of Committee work and preparation of minutes in a Clerk's Department.

The appointment will be terminable by one calendar month's written notice on either side, and will be subject to the National Scheme of Conditions of Service and the Local Government Superannuation Act, 1937. The successful candidate will be required to pass a medical examination.

Relationship to any member or officer of the Council must be disclosed and canvassing, directly or indirectly, will be a disqualification.

Further details of the appointment may be obtained from the undersigned, by whom applications, on the form provided, in envelopes endorsed "Staff" must be received by Thursday, May 31, 1951.

ERIC BANKS,
Town Clerk.

"Greyfriars,"
North Street,
Chichester.

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